

British

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 29

FEBRUARY 1948

STATISTICS & REPORTS

File No. 319.1

C O N T E N T S

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INVESTIGATION OF SUSPECTED WAR CRIMINALS

1. During the period 24 January 1948 - 24 February 1948, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

2. Cases now in the Investigation files are classified as follows:

	Cases on hand 24 Jan 48	Cases Received 24 Jan 48- 24 Feb 48	Cases Closed 24 Jan 48- 24 Feb 48	Cases on hand 24 Feb 48	Reports Submitted 24 Jan 48- 24 Feb 48
PCW Camp Conditions	3	0	0	3	11
Fliers	358	8	34	332	129
Ship	23	0	4	19	10
Kempei Tai International Police	26	0	1	25	4
PCW Atrocities	95	2	11	86	33
Miscellaneous	726	2	35	693	77
TOTAL	1231	12	85	1158	264

APPREHENSION OF SUSPECTED WAR CRIMINALS

3. During the period 25 January 1948 to 24 February 1948, nine memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 40 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (24 January 1948)	5197-A	1 Civilian
AG 000.5 (27 January 1948)	5210-A	3 Army Officers
AG 000.5 (28 January 1948)	5212-A	1 Army Officer 1 Army Enlisted Man 2 Navy Officers 1 Civilian
AG 000.5 (31 January 1948)	5220-A	1 Army Officer 1 Navy Officer
AG 000.5 (3 February 1948)	5224-A	1 Army Officer 1 Army Enlisted Man
AG 000.5 (7 February 1948)	5233-A	1 Army Officer 4 Army Enlisted Men 1 Navy Officer 1 Civilian

AG 000.5 (14 February 1948)	5259-A	2 Army Officers 3 Army Enlisted Men 2 Navy Officers 10 Civilians
AG 000.5 (18 February 1948)	5280-A	1 Navy Enlisted Man
AG 000.5 (21 February 1948)	5302-A	1 Navy Officer 1 Navy Enlisted Man

4. In two memoranda the Japanese Government was notified of the deletion of three names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (26 January 1948)	5206-A	2 persons
AG 000.5 (7 February 1948)	5232-A	1 person

5. By four memoranda the Japanese Government was notified of the clarification of status of 17 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (6 February 1948)	5229-A	1 person
AG 000.5 (13 February 1948)	5257-A	1 person
AG 000.5 (17 February 1948)	5278-A	1 person
AG 000.5 (20 February 1948)	5291-A	14 persons

6. By one memorandum the Japanese Government was notified of the release of one Japanese from hospital arrest.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (17 February 1948)	5278-A	1 person

7. On requests by the Criminal Registry Division 38 persons suspected of committing war crimes against American and Allied Prisoners of War were arrested or taken into custody. The total number of persons interned in Sugamo Prison at the present time is 1065.

PROSECUTION OF SUSPECTED WAR CRIMINALS

8. During the period 21 January 1948 - 20 February 1948, 19 trials were completed involving 52 perpetrators. At the close of the period 9 trials were in progress. In addition to the cases completed and those in session, 20 cases were referred to the Commanding General, EIGHTH Army (including new charges and specifications for additional accused added to old cases, and/or additional charges and specifications) for reference to a Military Commission for trial. At the present time all charges and specifications drawn have been forwarded to the Commanding General, EIGHTH Army.

9. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 508 defendants have been tried, 478 being found guilty and 30 found not guilty. Forty-eight of the 478 found guilty have been given the death sentence. Five death sentences have been executed, three have been commuted, and 40 are awaiting approval. The remaining 430 war criminals found guilty were sentenced to terms of

imprisonment at hard labor ranging from six months to life.

10. Statistics of War Crimes Trials Completed During
Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Toshio TODA	Camp Com.	2nd Lt.	22 Dec 47- 21 Jan 48	8 yrs. imprison.
Chomatsu TAMURA	Med.Ord.	Cpl.		Acquitted
2. Makoto UMEDA	Guard	Civ.	6 Jan 48- 21 Jan 48	1½ yrs. imprison.
3. Takayoshi SAKAINO		Sgt.Maj.	7 Jan 48- 21 Jan 48	Life imprison.
4. Kap Chin SONG	Detective	Civ.	22 Jan 48- 22 Jan 48	10 yrs. imprison.
5. Kunio SARUWATARI	Guard	Civ.	26 Jan 48- 27 Jan 48	20 yrs. imprison.
6. Hitoshi OKAMOTO	Com. Off.	1st Lt.	26 Nov 47- 30 Jan 48	25 yrs. imprison.
Sotojiro TAMURA	1st Sgt.	W/O		Acquitted
Hatsuo MUTA	Guard unit Com.	Cpl.		Acquitted
Shishitaro YOSHINAGA	Guard unit Com.	Pvt.		12 yrs. imprison.
Rai O RAN	Guard	Civ.		2½ yrs. imprison.
Tateo YAMASAKI	Com.Off.	1st Lt.		Acquitted
Noboru NAGAI	Guard unit Com.	Sgt.Maj.		Acquitted
Kasuo KINUGASA	Guard unit Com.	Sup. Pvt.		1½ yrs. imprison.
Mo Ei CHIN	Guard	Civ.		6 yrs. imprison.
Ei Hatsu RIN	Guard	Civ.		4 yrs. imprison.
7. Usaji HIDA	Guard Det. Member	Sr.P.O.	19 Dec 47- 2 Feb 48	Acquitted
Tamotsu TAKEZOE	Guard Det. Member	C.P.O.		Life
Yasuo KOHARA	Guard Det. Member	C.P.O.		Life
Tokuichi TAKAMURA	Guard Det. Member	P.O.3/c		Life
Asaichi YOSHIMURA	Guard Det. Member	W/O		Life

imprisonment at hard labor ranging from six months to life.

10. Statistics of War Crimes Trials Completed During
Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Toshio TODA	Camp Com.	2nd Lt.	22 Dec 47- 21 Jan 48	8 yrs. imprison.
Chomatsu TAMURA	Med.Ord.	Cpl.		Acquitted
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3. Takayoshi SAKAINO		Sgt.Maj.	7 Jan 48- 21 Jan 48	Life imprison.
4. Kap Chin SONG	Detective	Civ.	22 Jan 48- 22 Jan 48	10 yrs. imprison.
5. Kunio SARUWATARI	Guard	Civ.	26 Jan 48- 27 Jan 48	20 yrs. imprison.
6. Hitoshi OKAMOTO	Com. Off.	1st Lt.	26 Nov 47- 30 Jan 48	25 yrs. imprison.
Sotojiro TAMURA	1st Sgt.	W/O		Acquitted
Hatsuo MUTA	Guard unit Com.	Cpl.		Acquitted
Shishitaro YOSHINAGA	Guard unit Com.	Pvt.		12 yrs. imprison.
Rai O RAN	Guard	Civ.		2½ yrs. imprison.
Tateo YAMASAKI	Com.Off.	1st Lt.		Acquitted
Noboru NAGAI	Guard unit Com.	Sgt.Maj.		Acquitted
Kasuo KINUGASA	Guard unit Com.	Sup. Pvt.		1½ yrs. imprison.
Mo Ei CHIN	Guard	Civ.		6 yrs. imprison.
Ei Hatsu RIN	Guard	Civ.		4 yrs. imprison.
7. Usaji HIDA	Guard Det. Member	Sr.P.O.	19 Dec 47- 2 Feb 48	Acquitted
Tamotsu TAKEZOE	Guard Det. Member	C.P.O.		Life
Yasuo KOHARA	Guard Det. Member	C.P.O.		Life
Tokuichi TAKAMURA	Guard Det. Member	P.O.3/c		Life
Asaichi YOSHIMURA	Guard Det. Member	W/O		Life

8. Ryohci TANAKA	Camp Com.	1st Lt.	19 Jan 48- 2 Feb 48	25 yrs. imprison.
9. Takahisa ARAI	Guard	Civ.	2 Feb 48- 3 Feb 48	3 yrs. imprison.
10. Zenichiro YASUDA	Sr. NCO	Sgt.	28 Jan 48- 3 Feb 48	5 yrs. imprison.
Hajime NAKAO	Guard	Civ.		2 yrs. imprison.
Masakatsu OYAMA	Guard	Civ.		2 yrs. imprison.
11. Ichiji KINARI	Camp Com.	W/O	29 Dec 47- 5 Feb 48	2 yrs. imprison.
Yukio OKABUCHI	Guard	Civ.		1-2/3 yrs. imprison.
Nobuo IKADAZU	Guard	Civ.		Acquitted
Asao IJITSU	Guard	Civ.		1 yr. imprison.
Fusao SHINYA	Guard	Civ.		8 yrs. imprison.
12. Sai YAMASHITA	Camp Com.	2nd Lt.	3 Feb 48- 6 Feb 48	18 yrs. imprison.
Masayuki NAKA	Guard	Civ.		10 yrs. imprison.
13. Hideo ISHIZAKI	Det.Com.	1st Lt.	19 Jan 48- 9 Feb 48	Death
Masao KATAOKA	Flat.Ldr.	Sgt.Maj.		Death
Zentaro WATANABE		Sup.Pvt.		Death
Takeji FUJINO		Sup.Pvt.		Death
Kikuo TOMIOKA		Cpl.		Death
Shoji ITO		Sup.Pvt.		Death
14. Tadashige SHIOMI	Payroll clerk	W/O	10 Feb 48- 12 Feb 48	2 yrs. imprison.
15. Fumio FUJIKI	Supply NCO	Sgt.Maj.	9 Feb 48- 13 Feb 48	6 yrs. imprison.
16. Katsuo ISHIZAKA	Camp Com.	1st Lt.	7 Jan 48- 16 Feb 48	25 yrs. imprison.
Koichi OTA	Admin.NCO	Sgt.		1 yr. imprison.
Yasushi TAKASAGO	Kitchen emp.	Civ.		12 yrs. imprison.
Zenkichi KOIWA	Interp.labor	L/Pvt. officer		13 yrs. imprison.
Heikichi SATO	Guard	Civ.		12 yrs. imprison.
Kishio SASAKI	Guard	Civ.		12 yrs. imprison.
Nisa TANIFUJI	Guard	Civ.		8 yrs. imprison.
17. Koji SUZUKI	Storekeeper	Civ.	9 Feb 48- 16 Feb 48	2 yrs. imprison.

Misao SUKEGAWA	Army empl. Civ.	9 yrs. imprison.
18. Takanori YAMANAKA	Med.Ord. Sgt.	7 Jan 48- 20 Feb 48 4 yrs. imprison.
19. Tamae KONDO	Camp Com. Col.	16 Feb 48- 20 Feb 48 5 yrs. imprison.

AUSTRALIAN DIVISION

Investigation

11. During the current period 52 interrogations were conducted, resulting in the obtaining of 31 sworn statements. Investigations were continued in connection with numerous executions, murders, and other atrocities. Among these were the massacre of 21 Australian nurses and the murder of an Australian official on Banka Island in February 1942, the massacre of British and Australian Prisoners of War on Ballale Island and at Paritsulong, Malaya, and the execution of two Australian Prisoners of War on Kairiru Island in 1945. Also under investigation were the ill-treatment of Australian Prisoners of War at Fukuoka Prisoner of War Camp Number 22, the execution of Australian prisoners at Ambon, and the execution of two Australian soldiers at Soerabaja and of two Australian airmen at Idore, Dutch New Guinea, the last named event taking place in November 1944.

12. Also being investigated were the execution of approximately ten Australian Prisoners of War in Dilli, Timor in February 1942 and various atrocities committed on Bougainville Island. Information developed in the former investigation has revealed that the executions were carried out by a small naval landing party. Atrocities on Bougainville being investigated include the murder of an Australian gold miner in February 1943, the drowning of an Australian civilian in 1943, and the execution of two missionaries. The unit responsible for the death of one of the missionaries is now known.

13. The execution of Australian Prisoners of War at Koepang, Timor is also under investigation. Based on a report that two Australian airmen had been executed at Koepang in March or April 1942, investigation revealed that personnel of a paratroop unit carried out three or more executions at Koepang involving more than 20 Australian prisoners, and later at Toel Island in the Kai Group, executed four or five missionaries. Three suspects have already been arrested in connection with this case.

14. Other crimes under investigation include atrocities committed in New Guinea, Borneo, and Java. Among these were the execution of three Australian soldiers in Borneo in 1944 and the ill-treatment of 12 Australian airmen at Soemba Island and Java in 1945. Atrocities committed in New Guinea which were under investigation included the rape of a native child, the execution of 17 American Prisoners of War between 1943 and 1944, the execution of eight other Allied prisoners during the same period, and the execution of two Australian soldiers, one Australian airman and one American airman at Lae. Among the suspects who have been interned in Sugamo Prison in connection with these crimes are two lieutenant generals, two colonels, two lieutenant colonels, one naval captain, two majors, one captain, one lieutenant, one warrant officer, three sergeant majors, and one civilian. Requests for the apprehension of four other officers, including a lieutenant general, have been submitted.

Apprehension

15. During the current period the Division submitted five requests for the apprehension of suspected war criminals.

Prosecution

16. On 13 February a former colonel, Shigeru SUGIYAMA, was charged with committing perjury and withholding information from an investigator of the Division. He was tried by a Provost Court in Tokyo, convicted, sentenced to five years' imprisonment at hard labor, and fined 75,000 yen.

17. The trial of 17 Japanese charged with the ill-treatment of Australian and other Allied Prisoners of War on Hainan Island, which began on 5 January 1948 at Hong Kong, is still in progress.

18. During the current period ten additional affidavits were received from Australians, bringing the total number of affidavits received by the Division to date up to 1583.

BRITISH DIVISION

Investigation

19. Nine sworn statements were obtained during the period in connection with naval and shipping cases. Recently seized documents have been screened and translation of documents relating to the transport of prisoners of war is being carried out. Analysis of other documentary evidence for the prosecution of this shipping case is progressing.

Apprehension

20. No arrests were requested by the Division during the current period. The total number of apprehensions outstanding has been reduced to six. Four suspects are at present being held in Sugamo Prison awaiting disposal orders. No war crimes suspects were transferred during the period; the total number of suspects transferred to South East Asia remains unchanged at 297.

Prosecution

21. Eight trials involving 17 accused and 36 named as well as numerous unnamed British victims were completed during the period. Convictions were secured against all the accused. Two British interest cases are presently on trial and a total of 110 cases involving British interests have been completed to date in Japan.

22. Six affidavits were received from the Judge Advocate General, London, England, and one new affidavit was requested.

CHINESE DIVISION

Investigation

23. Two sworn statements were taken in the course of five interrogations during the current period. One of these statements has been introduced as evidence in the current trial of seven accused war criminals at Yokohama, while the other document has been forwarded to Nanking, China for proper disposal. Investigations were conducted concerning the beheading of 62 Chinese Prisoners of War by troops of the Japanese Army at Taipeizan, Hupei Province, Central China in May 1937, and the mistreatment, torture, and starving of Chinese Prisoners of War and laborers by Japanese in Osaka City during 1944-1945.

Apprehension

24. No further apprehension requests were submitted during the current period.

Prosecution

25. The trial of seven Japanese accused of various atrocities committed at Chusan Labor Camp, Hanaoka, Akita Prefecture, against Chinese Nationals is currently in progress. The prosecution reopened its case in chief to present new evidence to the court when an additional live witness became available.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

7

Telegram: "JUDVOCATE, LONDON."
Telephone: WHITEHALL 7936 (two lines).

Any further communication on
the subject of this letter should be
addressed to:—

THE JUDGE ADVOCATE GENERAL
SPRING GARDENS,
COCKSPUR STREET,
LONDON S W 1.

and the following number quoted:—



MD/JAG/PS/J/27
CONFIDENTIAL

United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

Subject: GHQ SCAP (Legal Section) Monthly
Report War Crimes

1. I enclose herewith for your retention a
copy of GHQ SCAP Monthly Summation of War Crimes,
No. 28 of January 1948.
2. This office has been requested to ensure
that the information given in this report is NOT
published in the press.

Boyd
Lieutenant-colonel,
for Military Deputy,
J.A.G.



3.45

SPRING GARDENS,

COCKSPUR STREET,

LONDON, S.W.1.

12 March 1948

RECEIVED

15 MAR 1948

And.....



GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
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JANUARY 1948

STATISTICS & REPORTS

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Australian Division - - - - -	20 - 25
British Division- - - - -	26 - 29
Chinese Division- - - - -	30 - 32

INVESTIGATION OF SUSPECTED WAR CRIMINALS

1. During the period 24 December 1947 - 24 January 1948, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

2. Cases now in the Investigation files are classified as follows:

	Cases on hand 23 Dec 47	Cases Received 24 Dec 47 to 24 Jan 48	Cases Closed 24 Dec 47 to 24 Jan 48	Cases on hand 24 Jan 48	Reports Submitted 24 Dec 47 to 24 Jan 48
POW Camp Conditions	4	0	1	3	14
Fliers	433	1	76	358	167
Ship	26	0	3	23	9
Kempei Tai International Police	30	0	4	26	10
POW Atrocities	110	0	15	95	37
Miscellaneous	800	19	93	726	140
TOTAL	1403	20	192	1231	377

APPREHENSION OF SUSPECTED WAR CRIMINALS

3. During the period 25 December 1947 to 24 January 1948, seven memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 46 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (16 December 1947)	5020-A	4 Army Officers 10 Army Enlisted Men 3 Navy Officers 1 Civilian
AG 000.5 (24 December 1947)	5067-A	1 Army Officer 4 Army Enlisted Men 1 Navy Officer 1 Civilian
AG 000.5 (2 January 1948)	5088-A	2 Army Officers 1 Army Enlisted Man
AG 000.5 (13 January 1948)	5141-A	1 Army Officer 3 Army Enlisted Men 3 Navy Officers 1 Navy Enlisted Man
AG 000.5 (15 January 1948)	5154-A	2 Army Officers

AG 000.5 (20 January 1948) 5180-A 2 Army Enlisted Men
1 Navy Officer

AG 000.5 (21 January 1948) 5184-A 1 Army Officer
1 Navy Officer
2 Navy Enlisted Men
1 Civilian

4. In eight memoranda the Japanese Government was notified of the deletion of 51 names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (22 December 1947)	5042-A	16 persons
AG 000.5 (23 December 1947)	5061-A	1 person
AG 000.5 (6 January 1948)	5107-A	4 persons
AG 000.5 (8 January 1948)	5112-A	1 person
AG 000.5 (12 January 1948)	5132-A	2 persons
AG 000.5 (15 January 1948)	5149-A	2 persons
AG 000.5 (16 January 1948)	5160-A	23 persons
AG 000.5 (20 January 1948)	5179-A	2 persons

5. By five memoranda the Japanese Government was notified of the clarification of status of 24 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (22 December 1947)	5043-A	8 persons
AG 000.5 (2 January 1948)	5090-A	7 persons
AG 000.5 (8 January 1948)	5115-A	1 person
AG 000.5 (12 January 1948)	5137-A	1 person
AG 000.5 (15 January 1948)	5150-A	7 persons

6. By two memoranda the Japanese Government was notified of two releases from hospital arrests.

AG 000.5 (8 January 1948)	5115-A	1 person
AG 000.5 (12 January 1948)	5137-A	1 person

7. On requests initiated by this Section 47 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1053 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

8. During the period 21 December 1947 - 20 January 1948, ten trials were completed involving 29 perpetrators. At the close of this period 14 trials were in progress. In addition to the cases completed and those in session, 14 cases were referred to the Commanding

General, EIGHTH Army, (including new charges and specifications for additional accused added to old cases, and/or additional charges and specifications) for reference to a Military Commission for trial. At the present time all charges and specifications drawn have been forwarded to the Commanding General, EIGHTH Army.

9. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 458 defendants have been tried, 435 being found guilty and 23 found not guilty. Forty-two of the 435 found guilty have been given the death sentence. Five death sentences have been executed and 37 are awaiting approval. The remaining 393 war criminals found guilty were sentenced to terms of imprisonment at hard labor ranging from six months to life.

10. Statistics of War Crimes Trials Completed During Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Toshitaro HASE	Camp Com.	Lt.	17 Oct 47- 29 Dec 47	8 yrs. Imprison.
Yoshitaro MATSUMOTO	Sup. & Fin. employee Civ.			14 yrs. Imprison.
Yoichiro TERASHITA	Med. Order.S/Pvt			6½ yrs. Imprison.
Tadao TENAHE	Med. NCO	Cpl		2½ yrs. Imprison.
2. Hisakichi TOKUDA	Camp Com.	Capt.	8 Sept 47- 2 Jan 48	Death
3. Kazuo MAEDA	Camp Com.	Major	6 Oct 47- 2 Jan 48	30 yrs. Imprison.
4. Akira YANAGIZAWA	Guard	Civ.	12 Nov 47- 5 Jan 48	Death
Yoshihiro SUSUKI	Guard	Civ.		Death
Eiichi UIISHIKI	Guard	Civ.		Death
Norimasa OSHIMA	Guard	Civ.		46 yrs. Imprison.
Masaji SEKIHARA	Guard	Civ.		Death
Hiroshi OBINATA	Guard	Civ.		Death
Yonesaku AKIYAMA	Guard	Civ.		Death
5. Michizo SHIINA	Prison Gov.	Civ.	17 Nov 47- 6 Jan 48	12 yrs. Imprison.
Sheijiro SHIMANO	Guard	Civ.		4 yrs. Imprison.
Kunihiko OSADA	Guard	Civ.		15 yrs. Imprison.
Takeo KODAMA	Guard	Civ.		2 yrs. Imprison.
Otokichi YOKOYAMA	Guard	Civ.		2 yrs. Imprison.
6. Kazuo ARAKAWA	Guard	S1/c	5 Jan 48- 6 Jan 48	6 yrs. Imprison.

General, EIGHTH Army, (including new charges and specifications for additional accused added to old cases; and/or additional charges and specifications) for reference to a Military Commission for trial. At the present time all charges and specifications drawn have been forwarded to the Commanding General, EIGHTH Army.

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10. Statistics of War Crimes Trials Completed During Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
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Yoichiro TERASHITA	Med. Order.S/Pvt			6½ yrs. Imprison.
Tadao TENAHE	Med. NCO	Cpl		2½ yrs. Imprison.
2. Hisakichi TOKUDA	Camp Com.	Capt.	8 Sept 47- 2 Jan 48	Death
3. Kazuo MAEDA	Camp Com.	Major	6 Oct 47- 2 Jan 48	30 yrs. Imprison.
4. Akira YANAGIZAWA	Guard	Civ.	12 Nov 47- 5 Jan 48	Death
Yoshihiro SUSUKI	Guard	Civ.		Death
Eiichi UISHIKI	Guard	Civ.		Death
Norimasa OSHIMA	Guard	Civ.		46 yrs. Imprison.
Masaji SEKIHARA	Guard	Civ.		Death
Hiroshi OBINATA	Guard	Civ.		Death
Yonesaku AKIYAMA	Guard	Civ.		Death
5. Michizo SHIINA	Prison Gov.	Civ.	17 Nov 47- 6 Jan 48	12 yrs. Imprison.
Sheijiro SHIMANO	Guard	Civ.		4 yrs. Imprison.
Kunihiko OSADA	Guard	Civ.		15 yrs. Imprison.
Takeo KODAMA	Guard	Civ.		2 yrs. Imprison.
Otokichi YOKOYAMA	Guard	Civ.		2 yrs. Imprison.
6. Kazuo ARAKAWA	Guard	S1/c	5 Jan 48- 6 Jan 48	6 yrs. Imprison.

7. Hiroshi USHIODA	Med. Corps Sgt.	15 Dec 47- 7 Jan 48	10 yrs. Imprison.
8. Masakatsu SATO	Med. Insp. 2nd Lt.	7 Jan 48- 9 Jan 48	Acquitted
9. Masayoshi MURATA	Guard Navy	12 Jan 48- 12 Jan 48	4 yrs. Imprison.
10. Kimiya ICHINOE	Sec. Chief Lt.Col.	22 Dec 47- 16 Jan 48	Death
Sadamu MOTOKAWA	Kempei Tai 2nd Lt.		Death
Masao KUWABARA	Kempei Tai M/Sgt		Life Imprison.
Shoichiro MATSUMOTO	Liaison M/Sgt		Acquitted
Rokuro SONOBE	Med. Off. 1st Lt.		2 yrs. Imprison.
Kenichi YANAGIZAWA	Kempei Tai W/O		Acquitted
Goro YAMANAKA	Guard M/Sgt.		Acquitted

Trial of Toshitaro HABE et al

11. Toshitaro HABE, Yoshitaro MATSUMOTO, Yoichiro TERASHITA, and Tadao TENABE were all connected with prisoner-of-war camps in the Osaka Area, Honshu, Japan. HABE, who commanded six camps in the area at various times between November 1942 and August 1945, was found guilty of failing to provide adequate food and medical attention at some of the camps, and of failing to restrain his subordinates from committing numerous atrocities including unusual tortures. MATSUMOTO, former civilian finance and supply employee of the Japanese Army who served at the Taisho Camp between May 1943 and May 1945, was convicted of inflicting unusually brutal mistreatment on prisoners. One prisoner was forced to kneel on a mass of twisted wire holding a bucket of water for about 40 minutes, while another internee was compelled to kneel on a log with a stick behind his knees and a bucket of water on each of his thighs for approximately 25 minutes. TERASHITA, former Japanese Army superior private, served as medical orderly at the Taisho Camp between May 1943 and April 1944, while TENABE, former corporal, served as non-commissioned medical officer in charge at the Yokkaichi Camp between November 1944 and April 1945. Both were convicted of forcing sick prisoners to work.

Trial of Hisakichi TOKUDA

12. Hisakichi TOKUDA, former Japanese Army captain, was senior medical officer and camp commandant of the Shinagawa Hospital Prisoner of War Camp, Tokyo, Honshu, Japan, from March 1943 until September 1945. Nicknamed "The Mad Doctor" by the prisoners, TOKUDA was found guilty of performing unprecedented and bizarre medical experiments on prisoners. Four prisoners died shortly after they had been injected with a soy bean milk solution by TOKUDA.

Trial of Kazuo MAEDA

13. Kazuo MAEDA, former Japanese Army major, commanded the infamous Davao Penal Colony, Mindanao, Philippine Islands, between October 1942 and February 1944. MAEDA was found guilty of responsibility for the unbearable conditions under which the prisoners lived and worked, for ordering cruel and unusual tortures, and for failing to restrain his subordinates from committing numerous atrocities.

Trial of Akira YANAGIZAWA et al

14. Akira YANAGIZAWA, Masaji SEKIHARA, Yoshihiro SUSUKI, Hiroshi OBINATA, Eiichi UISHIKI, Yonesaku AKIYAMA, and Norimasa OSHIMA all served as civilian guards between January 1943 and August 1945 at Naoetsu Prisoner of War Camp, also known as Tokyo Prisoner of War Camp Number 4-B, located at Niigata, Honshu, Japan. All except OSHIMA were found guilty of contributing to the death of one or more of a total of 14 Australian prisoners, while all the defendants were convicted of inflicting unusually brutal beatings and other cruel forms of abuse upon prisoners.

Trial of Michizo SHIINA et al

15. Michizo SHIINA served as governor of Osaka (Sakai) Prison, Osaka Area, Honshu, Japan, while Kunihiro OSADA acted as prison hospital attendant and Takeo KODAMA, Otokichi YOKOYAMA, and Sheijiro SHIMANO all served as civilian guards at the prison. SHIINA was found guilty of failing to discharge his duty as prison governor by failing to provide adequate quarters, clothing, and hygiene for the prisoners, and of failing to restrain his subordinates from committing numerous atrocities. OSADA, KODAMA, YOKOYAMA, and SHIMANO were all found guilty of participating in incidents between April 1944 and August 1945 in which prisoners were beaten and abused.

Trial of Kazuo ARAKAWA

16. Kazuo ARAKAWA, former seaman first class in the Japanese Navy, served as a kitchen guard at Ofuna Provisional Prisoner of War Camp, Ofuna, Honshu, Japan, between October 1944 and February 1945. ARAKAWA was found guilty of administering severe beatings.

Trial of Hiroshi USHIODA

17. Hiroshi USHIODA, nicknamed "The Pig" by prisoners, was a sergeant in the Japanese Army, and was attached to both Sendai Area Prisoner of War Camp Number 4, Ohasi, Honshu, Japan, and Tokyo Area Prisoner of War Camp Number 2, Yokohama, Honshu, Japan. He was found guilty of beating, mistreating, and forcing sick and injured prisoners to do arduous labor.

Trial of Masayoshi MURATA

18. Masayoshi MURATA, former Naval guard at Ofuna Prisoner of War Camp, Ofuna, Honshu, Japan between May 1944 and November 1944, was found guilty of beating and abusing an unidentified American Prisoner of War as well as numerous unnamed American prisoners.

Trial of Kimiya ICHINOE et al

19. Kimiya ICHINOE, former lieutenant colonel who was Chief of the Defense Staff Section and Military Guard of the Eastern District Army was found guilty of ordering the death of a captured American flier, who, though badly injured, survived the crash of his B-29. Sadamu MOTOKAWA and Masao KUWABARA were convicted of the actual killing of the flier, while Rokuro SONOBE, former first lieutenant and medical officer, was sentenced for failing to provide the flier with medical attention when he examined him after the plane crash. MOTOKAWA was formerly a Kempei Tai second lieutenant, while KUWABARA was a master sergeant in the Kempei Tai.

AUSTRALIAN DIVISION

Investigation

20. During the current period 55 interrogations were conducted, resulting in the obtaining of 28 sworn statements. Investigations were continued in connection with numerous executions, murders, and other atrocities. Among these were unlawful killings of Australian prisoners of war in Timor, New Guinea, Kairiru Island, Malaya, and Ballale Island. Crimes committed in New Guinea which were under investigation included the murder of two Australian soldiers at Lae in June 1942 and the murder of two airmen, Australian and American, at Lae in 1943. The arrest of a naval captain was requested in connection with these latter crimes, and it was ascertained that a rear admiral thought to be involved has died while a lieutenant commander has committed suicide. During the month a lieutenant general was arrested and the arrest of a captain was requested in connection with the murders of Australian and American prisoners of war in New Guinea between 1943 and 1945. A former Japanese major suspected of the rape of a native child in New Guinea in 1944 is already in custody.

21. Other investigations included those involving the execution of 9 Australian airmen in New Britain in 1942 and the massacre of 40 Allied personnel in New Britain in 1944. Also under investigation were the ill-treatment of 12 Australian airmen at Soemba Island and Cycle Camp, Batavia, and the ill-treatment of Allied Prisoners of War at Fukuoka Camp Number 22, Honshu, Japan. Four arrests were requested during the month in connection with the murder of Australian Prisoners of War in Borneo between 1943 and 1945. Atrocities committed at Bougainville being investigated included the ill-treatment of Allied airmen, the drowning of an Australian civilian in 1943, and the murder of an Australian gold miner in February 1943. The deaths of Allied airmen at Saeokorem and Manokwari, Dutch New Guinea were under investigation as well as the execution of two airmen at Idoro, Dutch New Guinea in November 1944. Other executions being investigated included those of nine Australian Prisoners of War at Ambon, an RAF pilot officer at Tanimbar Island, five Australian soldiers at Dilli, Timor, and two Australian soldiers at Soerabaja.

Apprehension

22. During the current period requests for the arrests of seven suspects were submitted by the Division. One suspect was arrested.

Prosecution

23. The trial of seven Japanese accused of ill-treatment and starving of Australian and Allied Prisoners of War at Tokyo Branch Camp Number 4-B, Naoetsu, was completed on 5 January 1948. Six accused were sentenced to death by hanging and the seventh to imprisonment at hard labor for 46 years. The trial of 17 Japanese for ill-treatment of Australian and Allied prisoners of war on Hainan Island commenced at Hong Kong on 5 January 1948.

24. Charges and specifications against two senior staff members of Fukuoka Branch Prisoner of War Camp Number 22-B were completed and filed. Abstracts of evidence were completed on charges against three Japanese accused of murdering a number of lepers near Nauru Island in 1943 and against two Japanese accused of murdering a Nauruan native in 1945.

25. During the current period six additional affidavits were received from Australians, making a total of 1573 affidavits received by the Division to date.

BRITISH DIVISION

Investigation

Telegrams: "JUDVOCATE, LONDON."
Telephone: WHITEHALL 7936 (two lines).

Any further communication on
the subject of this letter should be
addressed to:—

THE JUDGE ADVOCATE GENERAL
SPRING GARDENS,
COCKSPUR STREET,
LONDON S.W.1.

and the following number quoted:—



Justice
ref. Wood
SPRING GARDENS,

COCKSPUR STREET,

LONDON, S.W.1.

30 January 1948



MD/JAG/PS/J/27
CONFIDENTIAL

United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

Subject: GHQ SCAP (Legal Section) Monthly Report
War Crimes

1. I enclose herewith for your retention a copy of
GHQ SCAP Monthly Summation of War Crimes, No.27 of December
1947.
2. This office has been requested to ensure that the
information given in this report is NOT published to the
press.



Barnett
Lieutenant-colonel,
for Military Deputy,
J.A.G.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 27

DECEMBER 1947

STATISTICS & REPORTS

File No. 319.1

C O N T E N T S

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GENERAL HEADQUARTERS
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Australian Division- - - - -	-18 - 23
British Division- - - - -	-24 - 27
Chinese Division- - - - -	-28 - 31

INVESTIGATION OF SUSPECTED WAR CRIMINALS

1. During the period 25 November - 23 December 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

2. Cases now in the Investigation files are classified as follows:

	Cases on hand 24 Nov 47	Cases Received 25 Nov to 23 Dec 47	Cases Closed 25 Nov to 23 Dec 47	Cases on hand 23 Dec 47	Reports Submitted 25 Nov to 23 Dec 47
POW Camp Conditions	6	0	2	4	19
Fliers	451	2	20	433	127
Ship	26	0	0	26	7
Kempei Tai International Police	31	0	1	30	5
POW Atrocities	108	4	2	110	37
Miscellaneous	824	1	25	800	88
TOTAL	1446	7	50	1403	283

APPREHENSION OF SUSPECTED WAR CRIMINALS

3. During the period 25 November to 24 December 1947, five memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 23 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Appre- hended</u>
AG 000.5 (28 November 1947)	4937-A	3 Civilians
AG 000.5 (1 December 1947)	4945-A	2 Army Officers 1 Civilian
AG 000.5 (2 December 1947)	4955-A	5 Army Officers 1 Army Enlisted Man
AG 000.5 (6 December 1947)	4980-A	4 Army Officers 3 Navy Officers 2 Civilians
AG 000.5 (9 December 1947)	4986-A	1 Army Officer 1 Navy Officer

4. In two memoranda the Japanese Government was notified of the deletion of five names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (28 November 1947)	4935-A	1 person
AG 000.5 (17 December 1947)	5023-A	4 persons

5. By five memoranda the Japanese Government was notified of the clarification of status of 55 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (25 November 1947)	4917-A	6 persons
AG 000.5 (5 December 1947)	4973-A	20 persons
AG 000.5 (8 December 1947)	4981-A	7 persons
AG 000.5 (11 December 1947)	5003-A	21 persons
AG 000.5 (17 December 1947)	5022-A	1 person

6. By one memorandum the Japanese Government was notified of one hospital arrest.

AG 000.5 (2 December 1947)	4949-A	1 person
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7. By one memorandum the Japanese Government was notified of one release from hospital arrest.

AG 000.5 (17 December 1947)	5022-A	1 person
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8. On requests initiated by this Section, 46 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1031 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

9. During the period 21 November - 20 December, six trials were completed involving 32 perpetrators. At the close of this period 10 trials were in progress. In addition to the cases completed and those in session, 15 cases were referred to the Commanding General, EIGHTH Army, which includes additional charges and/or revisions, for reference to a Military Commission for trial. At the present time there are 100 perpetrators whose cases are in various stages of preparation.

10. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 429 defendants have been tried, 410 found guilty and 19 found not guilty. Thirty-three of the 410 found guilty have been given the death sentence. Five death sentences have been executed and 28 are awaiting approval. The remaining 377 war criminals found guilty were sentenced to terms of imprisonment ranging from six months to life at hard labor.

11. Statistics of War Crimes Trials Completed During Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Yoshio TSUNEYOSHI	Camp Com.	Capt.	10 Oct - 21 Nov 47	Life impris.
2. Tsutau KIMURA	Overseer	Civ.	20 Nov - 24 Nov 47	1 yr. 6 mos. imprisonment

3. Hiroshi TANAKA	Camp Com.	1st Lt.	2 Sep- 25 Nov 47	16 yrs. imprison.
Todao ASAKURA	Guard	Sup. Pvt.		Acquitted
Yukio HITOSUGI	Guard	Sgt.		10 yrs. imprison.
Nakazo IEDA	Guard	Sgt.		4 yrs. imprison.
Jirokichi KAMEDA	Guard	Civ.		5 yrs. imprison.
Shoji KAWAI	Guard	Civ.		18 yrs. imprison.
Kameki KAWAMURA	Guard	Civ.		18 yrs. imprison.
Tomohisa KAWAMURA	Guard	M/Sgt.		1 yr. imprison.
Nobuo KOKUBO	Guard	Civ.		4 yrs. imprison.
Kinpachi KONDO	Guard	Civ.		1 yr. imprison.
Minoru MAYEDA	Guard	Leading Pvt.		Acquitted
Tatsuo MIZUNO	Guard	Sgt.		8 yrs. imprison.
Akihisa MURASE	Guard	Civ.		1 yr. imprison.
Tatsuo NAKAGAWA	Guard	Civ.		6 yrs. imprison.
Hideo SAKAI	Guard	Civ.		4 yrs. imprison.
Yoshikazu SAWANO	Guard	Civ.		4 yrs. imprison.
Tokuichi TANAKA	Guard	Civ.		30 yrs. imprison.
Isao YADOIWA	Guard	Civ.		15 yrs. imprison.
Masakazu YAMAGISHI	Guard	Civ.		3 yrs. imprison.
Isamu HARA	Guard	Civ.		3 yrs. imprison.
Genzo KATO	Guard	Civ.		2 yrs. imprison.
Masao HAYASHI	Guard	Sgt.		1 yr. 6 mos. imprison.
4. Ko OSAKO	Camp Com.	1st Lt.	26 Nov - 3 Dec 47	2 yrs. imprison.
Hirozo GOTO	Guard	Civ.		2 yrs. 6 mos. imprison.
Noboru KODAMA	Guard	Civ.		2 yrs. 6 mos. imprison.
Tetsuya MURAKAMI	Guard	Sgt.		1 yr. 6 mos. imprison.
Bunki NISHITURA	Guard	Civ.		2 yrs. imprison.
Motomu OKAMOTO	Guard	Civ.		2 yrs. imprison.
5. Iku TAKASAKI	Camp Com.	Maj.; Lt. Col.	10 Nov - 12 Dec 47	25 yrs. imprison.
6. Hisao (Toshio) MORI	Camp Com.	2d Lt. 1st Lt.	28 Nov - 15 Dec. 47	7 yrs. imprison.

Trial of Yoshio TSUNEYOSHI

12. Yoshio TSUNEYOSHI, former Japanese Army captain, was camp commandant during the late spring of 1942 of Prisoner of War Camp O'Donnell, Capas, Tarlac, Luzon, Philippine Islands. He was found guilty of contributing to the death of numerous American prisoners by failing to provide adequate water, clothing, hygiene, and available medicine and medical supplies for the prisoners at the camp. He was also convicted of responsibility for the unlawful killing of 15 American and Filipino prisoners who were summarily executed without benefit of court-martial when they were found with Japanese money or souvenirs in their possession.

Trial of Tsutau KIMURA

13. Tsutau KIMURA served between May 1943 and September 1945 as an overseer of the Nittetsu Mining Company which employed prisoners from Fukuoka Branch Prisoner of War Camp Number 10, Futase, Kyushu, Japan, at the Honko and Shinko mines. KIMURA was found guilty of the beating and mistreatment of four identified and numerous unidentified American and Allied prisoners.

Trial of Hiroshi TANAKA et al

14. Hiroshi TANAKA, former Japanese Army first lieutenant, was camp commander of Nagoya Area Prisoner of War Camp Number 2-B, Narumi, Honshu, Japan, from December 1943 until May 1945. TANAKA, along with 19 of his subordinates, was convicted of the beating and abuse of Allied prisoners. American, British, Canadian and Australian prisoners were interned at the camp. Most brutal mistreatment of prisoners was meted out by Tokuchi TANAKA, Kameki KAWAMURA, Shoji KAWAI, and Isao YADOIWA, all former civilians serving with the Japanese Army at the camp.

Trial of Ko OSAKO et al

15. Ko OSAKO, former Japanese Army lieutenant who served as camp commander at Hiroshima Prisoner of War Camp Number 8, Motoyama, Honshu, Japan, between November 1942 and March 1945, was found guilty of command responsibility for the beating of three prisoners. Tetsuya MURAKAMI, former sergeant who served at the camp from April 1943 until July 1944, was found guilty of the beating of two prisoners, one of them so severely that the man's left eardrum burst. Four former civilian guards at the camp, Hirozo GOTO, Noboru KODAMA, Bunki NISHIMURA, and Motomu OKAMOTO, were convicted of inflicting beatings on prisoners. GOTO served at the camp from January 1943 until August 1945, KODAMA from February 1944 until August 1945, NISHIMURA from January 1943 until December 1944, and OKAMOTO from March 1943 until August 1945.

Trial of Iku TAKASAKI

16. Iku TAKASAKI, formerly a major and later a lieutenant colonel in the Japanese Army, took over command of Davao Penal Colony, Davao, Philippine Islands in April of 1944 with orders to prepare to dissolve the camp and move the prisoners to Manila and Cabanatuan. The prisoners at Davao were moved in June 1944 and in July TAKASAKI took charge of Cabanatuan Prisoner of War Camp, Nueva Ecija, Luzon, Philippine Islands. He released the prisoners and fled from Cabanatuan in January of 1945, as American troops pushed forward in their liberation drive. TAKASAKI was found guilty, during his command of both camps, of failing to supply adequate food for the prisoners, forcing sick prisoners to work, and ordering his subordinates to beat numerous prisoners. He was also found guilty of contributing to the death of a prisoner at Davao and of command responsibility for the unlawful killing of a prisoner at Cabanatuan.

Trial of Hisao MORI

17. Hisao MORI, also known as Toshio MORI, former Japanese Army second lieutenant and later first lieutenant, was camp commandant at Tsumori Prisoner of War Camp, Osaka Area, Honshu, Japan, between December 1944 and May 1945. He was convicted of forcing sick prisoners to work as well as administering many cruel tortures to the prisoners confined at the camp. In conjunction with his subordinates he forced Allied prisoners to stand at attention for many hours at a time, beat them with clubs, and compelled them to kneel on sharpened bamboo poles.

AUSTRALIAN DIVISION

Investigation

18. During the period 57 interrogations were conducted, resulting in the obtaining of 21 sworn statements. Investigations were continued in connection with atrocities on Bougainville Island including acts of cannibalism by Japanese Army personnel, the decapitation of an Australian gold miner in February 1943, and the fate of a European who is believed to have been a missionary.

19. Investigation was also continued in connection with the executions of Australian airmen. Four suspects have been interned in Sugamo Prison in connection with the execution of two Australian airmen at Idore, Dutch New Guinea, in November 1944, while five suspects have been interned in connection with the execution of Australian and American airmen in New Guinea between 1943 and 1945. Also under investigation were the execution of nine Australian airmen at sea near New Britain, of two airmen at Tanimbar during 1943-44, and of airmen and soldiers at Ambon and Soerabaja. Other executions being investigated include those of approximately 40 civilians in New Britain during 1942-45, 21 Australian nurses and an Australian Commissioner at Banka Island in February 1942, and captured airmen and other prisoners of war in New Guinea, Malaya, Dilli, Koepang, Timor, and Kairiru. Other atrocities under investigation include the brutal treatment of 12 Australians in Java in 1945 and the ill-treatment of Australians in prisoner-of-war camps in Japan.

Apprehension

20. The Division submitted seven requests for the apprehension of suspected war criminals during the period under review.

Prosecution

21. The trial of seven Japanese accused of the ill-treatment and starvation of Australian and Allied Prisoners of War at Tokyo Area Prisoner of War Camp Number 4-B, Naoetsu, which commenced at Yokohama the second week in November, is still in progress. The preparation of charges and specifications against the staffs of Fukuoka Area Prisoner of War Camp Number 22-B and Osaka Area Prisoner of War Camp Number 5-D was begun during the period.

22. The first trial to be held in Hong Kong before an Australian Military Tribunal was concluded on 17 December 1947. The seven defendants were accused of massacre of 32 civilians at Kavieng, New Ireland. A former rear admiral was sentenced to death by hanging, while the remaining six accused received sentences of imprisonment ranging from four to 20 years.

23. During the current period 14 more affidavits have been received from Australians, making a total of 1567 affidavits received by the Division to date.

BRITISH DIVISION

Investigation

24. Fourteen sworn statements were taken in the course of 38 interrogations during the current period. Interrogations were conducted mainly in connection with three cases involving atrocities committed in Stanley Prison, Hong Kong, immediately after the outbreak of the Pacific War; a mass murder of Royal Air Force personnel at Kalijati, Java, in March 1942; and crimes committed at sea by the commanders, staffs, and crews of Japanese submarines.

Apprehension

25. No further arrests were requested during the current period. The total number of apprehensions still outstanding now stands at 11. Seven suspects are at present being held in Sugamo Prison awaiting disposal orders. No war crimes suspects were transferred during the current period; the total number of suspects transferred to South East Asia remains unchanged at 297.

Prosecution

26. Two trials involving 27 accused and 55 named as well as numerous unnamed British victims were completed during the period. Convictions were secured against 25 of the accused, while two were acquitted. Three British interest cases are now on trial and one more is ready for trial. The number of cases thus far tried involving British interests now totals 98.

27. Seven affidavits were received from the Judge Advocate General, London, England, and one from Headquarters Far East Land Forces, Singapore. One new affidavit has been requested by the Division.

CHINESE DIVISION

Investigation

28. During the current period investigation has been conducted of atrocities committed by a Japanese officer in China and a series of photographs showing the execution of 40 Chinese by this suspect has been obtained. The suspect is at present under interrogation.

29. Investigations were continued concerning the ill-treatment of Chinese Prisoners of War and forced laborers at Osaka in 1944-45, war crimes in connection with the importation of Chinese laborers to Japan during the period of 1942-45, and the mistreatment and killing of Chinese Prisoners of War and laborers in the Kyushu area during 1944-45.

Apprehension

30. No further arrests were requested during the period.

Prosecution

31. The trial of one Chinese and seven Japanese accused of the killing, torture, beating, ill-treatment, and starvation of Chinese Prisoners of War and forced laborers at Chusan Labor Camp, Hanaoka, Akita Prefecture, began during the last week of November with a Chinese member sitting on the bench and an officer of the Division aiding in the prosecution. The prosecution has submitted affidavits and statements to the Commission and two Allied witnesses have already testified before the Commission.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

FILE NO. 319.1

MONTHLY SUMMATION NO. 7
APRIL 1946

STATISTICS & REPORTS

*Incorporated in Final Report
(J/30)*

GRS.

6/7

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

FILE NO. 319.1

MONTHLY SUMMATION NO. 7
APRIL 1946

PART I

JAPAN

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PART II

PHILIPPINES

C O N T E N T S

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ACTIVITIES OF THE LAW DIVISION

1. Military Occupation Courts

A. Reports of violations of SCAP Directives were studied and recommendations were made as to which violations should be prosecuted by Military Occupation Courts, and which by the Japanese courts.

B. Further conferences were held between members of the Legal Section, representatives of the Japanese Government, and interested military agencies concerning interpretation of various portions of the Directive of February 19 which established military occupation courts and which removed civil jurisdiction of Japanese courts for various persons.

C. Preliminary conferences were held with interested staff officers with respect to simplification of the process of review of decisions of provost courts.

2. Private Business

A. Advice was given two civilians who had inquired whether they could engage in private business in Japan. One, a War Department employee, was advised that under existing regulations he could not be permitted to engage in business for private gain. The other civilian was advised that licenses were not being issued for private businesses at the present time, and when they were to be issued, they would be issued only to applicants in the United States so as to eliminate any possible preference in favor of persons already in Japan.

B. An Allied concern, which was involved in civil litigation in a Japanese court before the war, was represented during the war by the Japanese custodian who took over the property. A staff section inquired as to whether the litigation

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ACTIVITIES OF THE LAW DIVISION - Cont'd

which is now pending in an appellate court, should be suspended until such time as the Allied concern can be notified and designates a representative to defend it in Japan.

The staff section was tentatively advised that such action would be in accord with a SCAP Directive which requires the Supreme Commander to take such steps as are necessary to insure that in the conduct of civil cases the rights of United Nations Organizations are protected.

3. Imperial Japanese Government

A. The Japanese Government was authorized to enact legislation which would make it an offense under Japanese law for persons subject to its jurisdiction to engage in transactions involving Allied property. However it was pointed out that such legislation would be ineffective at present inasmuch as military occupation courts now have exclusive jurisdiction over such "black market" offenses.

B. In response to an inquiry this section replied that it could find no provision of law which would permit the incurring of the cost of transportation to Japan of the remains of war criminals executed outside of the Japanese home islands.

C. The Civil Bureau of the Ministry of Justice of the Imperial Japanese Government, which is engaged in a study of the Federal Court system in the United States with a view to revising the Japanese court system, received advice and assistance.

D. This section suggested certain changes to a proposed Imperial Ordinance concerning the exercise of civil jurisdiction by the Japanese Government. The changes were designed to clarify the scope of jurisdiction henceforth to be exercised by Japanese civil courts.

ACTIVITIES OF THE LAW DIVISION - Cont'd

When this section expressed its concern about the absence of any penal provisions in the draft of the proposed Imperial Ordinance, the Ministry of Justice submitted a translation of the "Judges' Disciplinary Punishment Law". Study of this law revealed that any judge who fails to comply with the provisions of the proposed Imperial Ordinance can be adequately punished.

At the request of the chief of the Civil Bureau, Ministry of Justice, this section further clarified the phrase "--attached to or accompanying the Allied Armed Forces."

E. A SCAP staff section submitted for comment a draft Japanese Ordinance titled "Patent Rights and Restrictions Concerning Patent Rights". This section concurred in the proposed ordinance as being directly in line with SCAP objectives on this subject.

F. Miscellaneous conferences were held with representatives of the Japanese Government and interested military agencies on the interpretation of various directives.

4. Miscellaneous Activities

A. Legal advice on marital and other personal problems was rendered to military personnel of this headquarters.

B. A SCAP staff section inquired whether the authority to issue marriage licenses to military personnel in the Ryukyus could be delegated by this headquarters to the Chief Military Government Officer in that area. The section was advised that in such matters the local domestic law of the Ryukyus governs, and that unless such law were amended this headquarters could not legally grant the authority.

C. A foreign national who submitted a claim to this section against the Japanese Government for false imprisonment was informed that such claims are not being considered at present and that he should watch for the announcement es-

7

ACTIVITIES OF THE LAW DIVISION - Cont'd

establishing procedures for such claims and resubmit his request at that time.

D. A Korean national, applying for citizenship in the United States, was advised by this section that in its opinion there is no legal distinction between a "Korean National" and a "Stateless person of Korean birth" insofar as naturalization or immigration to the United States is concerned.

E. This section recommended that a request by the International Red Cross Committee that it be allowed to continue material and spiritual relief to prisoners at Sugamo Prison, be granted.

APPREHENSION OF WAR CRIMINALS

5. During the period 29 March - 24 April 1946 seven memorandums were issued ordering the Imperial Japanese Government to apprehend 74 persons charged with war crimes and to deliver them to Sugamo Prison at the earliest practicable date. Seven of these persons were already in confinement in Akita Prefecture, and a memorandum was issued to clarify their status as suspected war criminals.

ORDERS FOR APPREHENSION
Japan - 29 March - 24 April 1946

<u>Date and File Number of Memorandum</u>	<u>SCAPIN Number</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (29 March 1946) LS	849	1 Army Enlisted Man
AG 000.5 (2 April 1946) LS	851	2 Navy Officers 10 Army Officers 6 Army Enlisted Men 8 Civilians
AG 000.5 (10 April 1946) LS	873	1 Army Officer

(Cont'd)

APPREHENSION OF WAR CRIMINALS - Cont'd

<u>Date and File Number of Memorandum</u>	<u>SCAPIN Number</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (13 April 1946) LS	877	1 Navy Officer 6 Army Officers 10 Army Enlisted Men 5 Civilians
AG 000.5 (23 April 1946) LS	895	*1 Army Enlisted Man *6 Civilians
AG 000.5 (23 April 1946) LS	896	2 Navy Officers 4 Army Officers 3 Army Enlisted Men 5 Civilians
AG 000.5 (23 April 1946) LS	899	<u>3</u> Army Officers 74

* Trfd from confinement in Akita Pref.

6. Two memorandums were issued during the period 29 March-24 April 1946, each ordering the deletion of one officer from apprehension lists previously issued:

AG 000.5 (1 April 1946) LS 850

AG 000.5 (7 April 1946) LS 868

7. In addition a clarification of status memorandum (AG 000.5 20 April 1946, LS, SCAPIN 887) ordered the release from confinement of 20 suspected war criminals. One was released after having been acquitted by a military commission, one had been interned as a result of mistaken identity, and 18 were released because there was not sufficient evidence to warrant their further detention.

8. Suspected war criminals of all categories arrested in Japan during the period 25 March - 24 April 1946 number 116. There were 666 persons interned in Sugamo Prison as of 24 April 1946.

INVESTIGATION OF WAR CRIMINALS

JAPAN

9. During the period 28 March to 24 April 1946, eight interrogations were reduced to the form of signed statements.

Cases in investigation files are classified as follows:

	<u>Cases on Hand 28 March</u>	<u>Cases Re- ceived 28 Mar-24 Apr</u>	<u>Cases Com- pleted 28 Mar-24 Apr</u>	<u>Cases on Hand 24 April</u>
POW Camp Conditions	14	4	3	15
POW Camp Atrocities	57	12	3	66
B-29 Fliers	162	13	13	162
POW Ship	55	-	-	55
Kempei Tai International Police	22	8	-	30
Miscellaneous	<u>122</u>	<u>25</u>	<u>14</u>	<u>133</u>
Totals	432	62	33	461

PROSECUTION OF WAR CRIMINALS

Japan

10. Eight war criminal trials were completed during the period 28 March - 24 April 1946, this being the largest number yet finished in one month. Since the first war crimes trial in December 1945, 33 war criminals have been sentenced, four receiving the death penalty. In addition three defendants have been acquitted. At present two cases, one involving eight defendants, are in trial. Seven other cases have been forwarded to the Eighth Army for trial, 261 cases are in various stages of preparation, and there are approximately 100 additional prospective cases.

PROSECUTION OF WAR CRIMINALS - Cont'd

11. Summary of War Crimes Trials Completed in Japan -

29 March - 24 April 1946:

Defendant	Official Capacity	Rank	Date of Trial	Result of Trial
(KIMURA, (Ryunosuke-	POW Camp Guard	Civilian	15 March- 3 April	10 Years at Hard Labor
1. (TSUDA, (Tsunesuke-	POW Camp Guard	Civilian		Not Guilty
(OMOI, (Buichi-	POW Camp Guard	Civilian		10 Years at Hard Labor
(MINEMOTO, (Yoshinari-	POW Camp Guard	Corporal		10 Years at Hard Labor
(ICHIBA, (Tokuchi-	POW Camp Guard	Corporal		10 Years at Hard Labor
2. AKAMATSU, Shigeo-	POW Camp Guard	Sergeant	30 March- 4 April	25 Years at Hard Labor
3. SAKAKIBARA, Yasutake-	Supply Officer	2d Lt.	4 April	Not Guilty
4. SHIBA, Tsutomu-	Medical Officer	Captain	8 April- 15 April	5 Years at Hard Labor
5. IMAI, Kiyomi-	Medical Orderly	Private	17 April	5 Years at Hard Labor
6. YAMAUCHI, Kunimitsu-	Inter- preter	Civilian	18 April- 19 April	40 Years at Hard Labor
(KIKUCHI, (Jutarō-	Platoon Leader	2d Lt.	5 April - 20 April	25 Years at Hard Labor
7. (MABUCHI, (Masaaki-	Company Commander	Captain		Death by Hanging
(ISHIGE, (Michiharu-	POW Camp C.O.	1st Lt.,	11 April & 18 April- 24 April (Re- cessed 11-18 April)	35 Years at Hard Labor
8. (KONDO, (Shōgo-	POW Camp Guard	Civilian		25 Years at Hard Labor
(YUMITA, (Kyōzō-	POW Camp Guard	Civilian		15 Years at Hard Labor

Joint Trial of Ryunosuke KIMURA, Tsunesuke TSUDA, Buichi OMOI, Yoshinari MINEMOTO and Tokuchi ICHIBA

12. This was the first Joint trial to be held in Japan. In a joint trial two or more persons are charged with combining together to commit the same criminal act. Separate findings

PROSECUTION OF WAR CRIMINALS - Cont'd

and sentences are made for each accused, although only one charge is prepared.

The defendants all of whom were guards at Tanegawa, an Osaka Area Prisoner of War Camp, were jointly charged in one specification with striking and beating to death an American Prisoner of War. The specification was amended to find the defendants guilty of feloniously abusing the prisoner, inasmuch as another offense, which in itself would have caused the prisoner's death was shown to have occurred subsequent to the beating. One defendant was acquitted.

During the course of the trial, one of the Japanese witnesses for the prosecution, after two days of testifying, voluntarily admitted he had been committing perjury and now wanted to tell the truth. He then admitted perpetrating the subsequent act which actually caused death.

Trial of Shigeo AKAMATSU

13. This accused was a guard at Ohveyama, another Osaka Area Prisoner of War Camp. At the time the charges and specifications for this defendant were forwarded for trial, he was charged in four specifications with participating in the beatings and abuse of Prisoners of War. Additional affidavits were received which indicated that the defendant had contributed to the death of a sick prisoner by requiring him to work on a labor detail, and that he had required other prisoners to work on docks during an air raid as a result of which two prisoners were killed. Consequently, two additional specifications were immediately forwarded, and the case went to trial on six specifications. This is the first time additional specifications have been added to the original charge. The defendant was found guilty of five of the specifications.

PROSECUTION OF WAR CRIMINALS - Cont'd

. Trial of Yasutake SAKAKIBARA

14. This defendant was formerly supply officer at Hakodate Main Prisoner of War Camp, Hokkaido. He was charged in two affidavits, with mistreating and abusing one American Prisoner of War specifically, and with generally mistreating other prisoners by beating them.

The trial was completed in less than one day, the defendant being found not guilty.

. Trial of Tsutomu SHIBA

15. The defendant, a former medical officer at Hakodate Main Prisoner of War Camp, Hokkaido, was found guilty of five out of six specifications charging him with beating Prisoners of War.

. Trial of Kiyomi IMAI

16. This accused, formerly a medical orderly at Hakodate Main Prisoner of War Camp, Hokkaido, was found guilty of one specification which charged him with beating a British Prisoner of War.

17. Trial of Kunimitsu YAMAUCHI

17. This defendant was employed as an interpreter by a mining company, and served as such both at the mine and at Omuta Prisoner of War Camp, Fukuoka, Kyushu. There were six specifications, one charging him with a beating contributing to the death of a prisoner, three with additional beatings, one with burning a prisoner on the face with a lighted cigarette, and one with failing to discharge his duties as an interpreter by refusing to speak English, and with inadequately investigating complaints by Prisoners of War. The accused was found guilty of all specifications.

. Common Trial of Masaki MABUCHI and Jutaro KIKUCHI

18. This was the third Common trial to be held in Japan. In a Common trial two or more accused are charged with

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PROSECUTION OF WAR CRIMINALS - Cont'd

committing separate but similar offenses. Separate charges are prepared for each of the accused.

This was the first case to be tried involving the mistreatment of a captured member of a B-29 crew. MABUCHI was company commander, and KIKUCHI was platoon leader, of a company which captured the Bombardier of a crashed B-29. MABUCHI was charged in three specifications with ordering the decapitation of the prisoner, who was injured, with failing to provide him with medical care, and with permitting members of his command to mutilate the dead body of the prisoner. KIKUCHI was charged in one specification with bayonetting the dead body of the prisoner.

The evidence in this case was elicited almost entirely from witnesses. Eyewitnesses demonstrated in court the method of execution of the prisoner and of the bayonetting of his body. These demonstrations were highly effective in bringing home the true facts of the case to the commission.

Both defendants were found guilty of all charges and specifications, one of them receiving the fourth death sentence to be awarded in Japan so far.

Common Trial of Michiharu ISHIGE, Shoogo KONDO and
Kyogzo YUMITA

19. This was the fourth Common trial to be held in Japan. ISHIGE, formerly commanding officer of Kawaski Prisoner of War Camp, Tokyo, was found guilty of three specifications charging him with failing to restrain members of his command from committing atrocities, and with failing to provide two prisoners with adequate food or medical care, thereby contributing to their deaths. KONDO, a civilian guard at the same camp was found guilty of eight out of ten specifications charging him with beatings, and with burning prisoners about the body with a punk-like substance.

PROSECUTION OF WAR CRIMINALS - Cont'd

YUMITA, also a civilian guard at the same camp, was found guilty of five out of eight specifications charging him with beating Prisoners of War.

In an attempt to prove that burning with "moxa", a punk-like substance, was a recognized Japanese medical treatment for beri-beri, KONDO submitted to having his right leg "treated" with the burning substance.

This is the first case in which an American eye-witness, who was a Prisoner of War of the Japanese, has returned from the United States to testify in person at a war crimes trial. This same witness also testified at a second trial which is still in progress.

PHILIPPINES

PART II

INVESTIGATION OF WAR CRIMINALS

Philippines

1. During the period, 20 March 1946-20 April 1946, 45 cases were completed, reviewed and forwarded for final action to the Prosecution Section.

Investigations have been completed on the Island of Negros, and at the Leyte Prisoner of War Detention Center. Approximately 62 cases are being investigated.

2. Army transports assigned to this section have made trips throughout the Philippines and to the Netherlands East Indies transporting investigators, witnesses and perpetrators to and from Manila.

APPREHENSION OF WAR CRIMINALS

Philippines

3. Further screening of Prisoners of War to ascertain the identities of those wanted or suspected as war criminals resulted in the detention of 72 more suspects. There remain five thousand one hundred twenty-one (5,121) personnel at Luzon Prisoner of War Camp #1 classified as "detained, suspected" and "detained". Those classified as "detained" have definitely been identified as war criminals. Those classified as "detained, suspected" are personnel believed to be war criminals, but no final determination has been made pending clearance of proper names and final interrogation.

Seven hundred sixty-four (764) prisoners of war were received at Luzon Prisoner of War Camp #1 from the islands of the southern Philippines. Of these, one hundred seventy-four (174) were cleared, and the remainder held for further questioning and/or trial in connection with war crimes.

Requests by other sections for wanted perpetrators re-

Apprehension of War Criminals - Cont'd

sulted in the detention of 16 suspected war criminals. In addition, 92 prisoners of war were interrogated at the request of other sections, to aid in the development of pending war criminal cases.

PROSECUTION OF WAR CRIMINALS

Philippines

4. Six trials were completed during the period 20 March 1946 - 20 April 1946. Two of these were joint trials. 11 cases are prepared and awaiting trial. Six additional cases are in the process of being prepared for trial.

	Name	Official Capacity	Rank	Date Of Trial	Result Of Trial
1.	<u>NAITO,</u> Tetsuo	Civilian Leader Mindanao	Civilian	15 March- 26 March	Death Hanging
	<u>MIZOGUCHI,</u> Jiro	C.O. Maritime Unit	Major	8 March- 27 March	Death Hanging
	<u>KINOSHITA,</u> Kiichi	Ordinance Off. 35th Army Group	Captain		Charged Dismissed
	<u>HIRATA,</u> Shigemasa	Staff Member 35th Army Group	Sgt Major		Death Hanging
2.	<u>KATSUTA,</u> Takichi	Maritime Unit Member	Corporal		Death Hanging
	<u>SANUKI,</u> Kinzo	Maritime Unit Member	Corporal		Death Hanging
	<u>YOSHIOKA,</u> Seiroku	Maritime Unit Member	Corporal		Not Guilty
	<u>AOKI,</u> Yoshitaka	Houseboy	Civilian		Charged Dismissed
3.	<u>TABUO,</u> Chikonori	Antitank Unit Member	Sgt	2 April- 5 April	Death Hanging
	<u>ONISHI,</u> Seiichi	C.O. Kempei Tai Sector, Cebu Island	Lt Col	8 April- 10 April	Charged Dismissed
	<u>YAMASAKI,</u> Norikumi	Kempei Tai	Captain		Charged Dismissed
4.	<u>UEHARA,</u> Yoshinori	Kempei Tai	Sup Pvt		Charged Dismissed
	<u>TAGAMI,</u> Tatsuma	Kempei Tai	Sup Pvt		Charged Dismissed

Apprehension of War Criminals - Cont'd

Name	Official Capacity	Rank	Date of Trial	Result of Trial
<u>ONO,</u> Takami	Kempei Tai	Ldg Pvt		Charges Dismissed
<u>NOJIMA,</u> Kazumi	Kempei Tai	Sup Pvt		Charges Dismissed
<u>SUGIMOTO,</u> Masanori	C.O. Kempei Tai Unit	Sgt Major		Death by Hanging
<u>MURATA,</u> Masayoshi	Kempei Tai	Corporal		Death by Hanging
4. <u>MASUYAMA,</u> Masahi	Kempei Tai	Ldg Pvt		Death by Hanging
<u>KAWANO,</u> Yukio	Kempei Tai	Sup Pvt		Death by Hanging
<u>KAWABE,</u> Hisao	Kempei Tai	Sup Pvt		Death by Hanging
<u>ABE,</u> Wataru	Kempei Tai	Sup Pvt		Death by Hanging
5. <u>UYEKI,</u> Mariano	Kempei Tai Panay Island	Ldg Pvt	15 April- 17 April	Death by Hanging
6. <u>KOU,</u> Shiyoku	Commanding General, POW & Civilian Internment Camps in Philippine Islands	Lt General	15 March- 22 March & 15 April- 18 April	Death by Hanging

5. Trial of Tetsuo NAITO

The defendant was found guilty of two specifications which charged him with killing four Filipino civilians in concert with members of the Japanese armed forces. The commission overruled a defense argument that it did not have jurisdiction as to a Japanese civilian.

6. Joint Trial of Jiro MIZOGUCHI et al

The defendants were jointly charged with participating in various killings. The prosecution dropped the charges against two of the defendants as having been made without sufficient justification. The defense admitted that the crimes charged had been committed, but denied that the defendants had participated in them. During the course of the trial

Prosecution of War Criminals - Cont'd

the defense was granted two continuances, totalling 14 days, for the purpose of securing additional witnesses for the defense. One of the five remaining defendants was found not guilty, and the other four were sentenced to hang.

7. Trial of Chikonoru TABUO

The accused was charged with killing a Filipino civilian by bayonetting him after tying him to a tree. Two eye-witnesses to the execution testified at the trial. The accused was found guilty and sentenced to death by hanging.

8. Joint Trial of Seichi ONISHI, et al

The twelve accused were all members of Kempei Tai Units stationed on Cebu Island. They were charged with willfully and unlawfully killing 23 Filipino civilians, raping and attempting to rape seven female Filipino civilians and beating and torturing five Filipino civilians on or about 2 September 1945. The prosecution dismissed six of the accused inasmuch as witnesses failed to identify them as having any connection with the alleged atrocities. The remaining six defendants were identified by seven witnesses. All were found guilty and sentenced to hang.

9. Trial of Mariano UYEKI alias Sekimas UYEKI

This accused was originally tried and sentenced to death by a military commission on 11 February 1946. The reviewing authority recommended a rehearing on the ground that the accused should have been granted additional time to obtain witnesses.

The accused, a Kempei Tai member, was accused with killing a Filipino civilian on Panay Island on 10 May 1942. The defense claimed that the accused was not a member of the Armed Forces of Japan at the time the crime was committed, and moved to dismiss the charges on the ground that the

Prosecution of War Criminals - Cont'd

Commission lacked jurisdiction, using the argument that the defendant was a citizen of the Philippine Islands. This motion was denied by the Commission and the defendant found guilty and sentenced to death.

10. Trial of Shiyoku KOU

This defendant, a Lieutenant General in the Japanese Army, was the Commanding General of Prisoner of War and Civilian Internment Camps located in the Philippine Islands. He was charged with having directed, sanctioned or permitted the commission of brutal atrocities against American Prisoners of War and American Nationals entrusted to his care.

The prosecution introduced numerous documents into evidence and called 31 eyewitnesses who gave accounts of atrocities charged. The case was continued from 22 March to 15 April to allow the defense to obtain witnesses and evidence from Japan.

The defense submitted that the accused was powerless to do anything about the confinement conditions in the Philippine Islands because of the shortage of food and medical supplies, and that he was acting under superior orders. The accused was found guilty of the charges and sentenced to death by hanging.

John L. Zole
JOHN L. ZOLE
1st Lt., Inf.
S & R O.

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R6/J/26/6 B.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

FILE NO. 319.1

MONTHLY SUMMATION NO. 8

MAY 1946

STATISTICS & REPORTS

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

FILE NO. 319.1

MONTHLY SUMMATION NO. 8
MAY 1946

PART I

JAPAN

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PART II

PHILIPPINES

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ACTIVITIES OF THE LAW DIVISION

1. Military Occupation Courts

A. An opinion was rendered that Formosans, awaiting repatriation to Formosa and China, and considered as Chinese Nationals by Chinese authorities, could be considered as United Nations Nationals. Such persons may be tried by military occupation courts instead of Japanese criminal courts.

B. A proposed Imperial Ordinance for the Administration of Japanese criminal affairs was approved. This ordinance, made necessary by the issuance of SCAP Directives on "Exercise of Criminal Jurisdiction", makes it mandatory for chiefs of prisons to detain persons designated for confinement by the occupation courts.

C. A conference was held with a member of the Ministry of Justice concerning a proposed Imperial Ordinance designed to implement SCAP Directives concerning the exercise of civil jurisdiction of Japanese courts.

2. Enforcement of SCAP Directives

A. Conferences were held with interested staff sections, and with officials of the Ministry of Justice, concerning a proposed Imperial Ordinance which will make the violation of SCAP Directives a crime under Japanese Law.

B. An interested section was informed that a Japanese, running for public office, who omitted information required by SCAP in furtherance of the so-called "Purge" directive, could be tried by a military occupation court for committing an act prejudicial to the objectives of the occupation.

3. Trading with the Enemy Act

Interested sections were informed that the applicability of the Trading with the Enemy Act in occupied territory was being studied. It was pointed out that limited personal mail communication between the United States and Korea, under license, could be permitted by federal authorities

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ACTIVITIES OF THE LAW DIVISION - Cont'd
without violating the act.

4. Japanese Law

A. Information alleging that a Japanese ex-soldier had been sentenced to imprisonment by a Japanese military court, for permitting himself to be taken a prisoner of war and for failing to die in accordance with the Japanese military code was referred to the appropriate agency for action.

B. Inquiry on behalf of an interested attorney in the United States was made on the subject of recent Japanese rent control laws.

5. Dependents

Advice was given to interested agencies concerning civil rights of dependents of military personnel.

6. United States Law

Information concerning the status of American women under United States laws relating to marriage, divorce, and property was given to a SCAP staff section. The section, which desired to enlighten the Japanese press on this subject was informed that marriage and divorce laws vary from state to state, and that, generally speaking, there is no distinction based on sex as regards property laws in the United States.

7. Apprehension of Japanese Criminals.

A memorandum to the Japanese Government, concerning apprehension of Japanese criminals, convicted by a United States military court in Korea, was prepared. The Japanese were sentenced to fines and in default of payment thereof, to imprisonment. After paying part of their fines they came to Japan. The Japanese Government was directed to have these individuals pay the remainder of their fines, and if they could not, to incarcerate them for a period of two years.

8. Personal Problems

Considerable time was devoted to giving legal advice

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ACTIVITIES OF THE LAW DIVISION - Cont'd

and assistance to military and civilian personnel. This advice concerned citizenship, powers of attorney, wills, and marital problems.

INVESTIGATION OF WAR CRIMINALS

Japan

9. During the period 25 April - 24 May 1946, 456 interrogations were conducted, and 199 of these reduced to the form of signed statements.

Cases in investigation files are classified as follows:

	Cases on Hand <u>25 April</u>	Cases Received 25 April- <u>24 May</u>	Cases Completed 25 April- <u>24 May</u>	Cases on Hand <u>24 May</u>
POW Camp Conditions	15	5	10	10
POW Camp Atrocities	66	8	3	71
B-29 Fliers	162	10	4	168
POW Ship	55	0	1	54
Kempei Tai International Police	30	0	1	29
Miscellaneous	<u>133</u>	<u>50</u>	<u>17</u>	<u>166</u>
TOTAL	461	73	36	498

APPREHENSION OF WAR CRIMINALS

Japan

10. During the period 25 April - 24 May 1946 five memorandums were issued ordering the Imperial Japanese Government to apprehend 42 persons charged with war crimes and deliver them to Sugamo Prison at the earliest practicable date. 16 of these persons had been held as suspected war criminals by the XXIV Corps in Korea, and were transferred to Sugamo Prison.

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APPREHENSION OF WAR CRIMINALS - Cont'd

war crimes trials conducted under SCAP jurisdiction and of the execution of death sentences. In addition notification of the results of trials conducted by other United Nations will be forwarded when received by SCAP. In accordance with this memorandum the Japanese government was informed on 16 May 1946 of the results of the trials of eight persons, conducted in Singapore, and on 17 May 1946 of the results of trials of 38 persons, conducted under SCAP jurisdiction.

14. During the period 25 April-24 May 1946, 66 suspected war criminals were interned on request of this section.

PROSECUTION OF WAR CRIMINALS

Japan

15. During the period 25 April - 24 May 1946 ten war crimes trials were completed. This is the largest number yet finished in one month's time. An additional two cases are in the process of being tried, while ten more cases have been forwarded to the Eighth Army for trial. 275 cases are in various stages of preparation, and there are 100 additional prospective cases. To date, 55 war criminals have been tried. Of this number, 52 were convicted, five of these receiving the death penalty, and three defendants were acquitted. Kei YURI, the first war criminal to be sentenced to death, was executed on 26 April, 1946.

PROSECUTION OF WAR CRIMINALS - Cont'd

16. Summary of War Crimes Trials Completed in Japan -

25 April - 24 May 1946;

Defendant	Official Capacity	Rank	Date of Trial	Result of Trial
(TAKEUCHI, Hiroshi	POW	Lt.	28 March-	22 Years at
(	Camp C.O.		29 April	Hard Labor
(MIYAZAKI, Hiroshi	POW Guard	Civilian		30 Years at
(				Hard Labor
(SUZUKI, Keizo	Medical Corps	Sergeant		16 Years at
(				Hard Labor
(EMORI, Hidetoshi	POW	Lt.		5 Years at
1. (	Camp C.O.			Hard Labor
(TANAKA, Kazuo	Supply N.C.O.	Sgt. Major		7 Years at
(				Hard Labor
(NAEKAWA, Kazumasa	POW Camp	Sgt. Major		16 Years at
(	2D in Command			Hard Labor
(OZAWA, Kichihei	Medical Corps	Sergeant		2 Years at
(				Hard Labor
(SATO, Torao	Supply	Civilian		8 Years at
(				Hard Labor
2. TSUJINO, Akiyoshi	Medical Corps	Sup. Pvt.	22 April-	30 Years at
			30 April	Hard Labor
3. KAKUTA, Hajime	POW	Sergeant	26 April-	30 Years at
	Camp C.O.		30 April	Hard Labor
4. SHIMODE, Ryoichi	POW Guard	Civilian	29 April-	20 Years at
			2 May	Hard Labor
5. IKEGAMI, Uichi	POW	Lt.	2 May-	Death by
	Camp C.O.		4 May	Hanging
6. ABE, Tatsuo	POW Guard	Civilian	2 May-	1 Year at
			3 May	Hard Labor
7. MANTANI, Unosuke	POW Camp	Sergeant	8 May-	Life at Hard
	2D in Command		9 May	Labor
(TAKANO, Tadashi	POW Guard	Civilian	10 May-	15 Years at
(			15 May	Hard Labor
8. (IKEDA, Yoshiyuki	POW Guard	Civilian		15 Years at
(				Hard Labor
(YAGI, Yoshika	POW Guard	Civilian		15 Years at
(				Hard Labor
9. NAGAKURA, Seizo	POW Guard	Corporal	10 May-	40 Years at
			14 May	Hard Labor
0. YAMADA, Tomio	POW Guard	Civilian	13 May-	Life at Hard
			17 May	Labor

PROSECUTION OF WAR CRIMINALS - Cont'd

Common Trial of Hiroshi Takeuchi, et al

17. This was the fifth common trial of war criminals in Japan. The eight defendants were all on the staff of Kawasaki Prisoner of War Branch Camp Number 1, Tokyo Area. A ninth defendant was apprehended after the trial had started. His case was severed from the rest and he is to be tried at a later time. The defendants were variously charged with deaths resulting from neglect and failure to provide adequate heat, food and medical care and supplies, and with beatings, denying food and medicine, and misappropriating Red Cross supplies.

A former American prisoner of war, Captain Samuel A. Newman, USNR, who was senior prisoner at the camp, returned from the United States to testify at the trial. Voluntary testimony by one defendant, against other defendants, was permitted.

This was the first case in which an entire camp staff was brought to trial. The commission also visited the prisoner of war camp involved, together with defense and prosecution counsel, Captain Newman, and the two defendant camp commanders. This is the first time this has been done.

All defendants were found guilty and given sentences varying from two years in one instance to 30 years in another.

Trial of Akiyoshi Tsujino

18. This accused was medical corpsman at Hirohata Prisoner of War Camp, Osaka Area. Eight specifications charged him with numerous beatings of prisoners, with mistreating and torturing prisoners by immersing them in cold water, and with taking and appropriating to his own use Red Cross medical and food supplies intended for the use of American Prisoners of War.

During the course of the trial two Italians, who had been prisoners of war at the camp for a short time, gave

PROSECUTION OF WAR CRIMINALS - Cont'd

testimony. The accused was found guilty of all specifications and sentenced to 30 years at hard labor.

Trial of Hajime Kakuta

19. The defendant was sergeant in charge of the Sakurajima Prisoner of War Camp in the Osaka Area. He was charged in three specifications with tying a prisoner of war to a flag pole and beating him with heavy sticks; with confining a British prisoner of war in the guardhouse in cold weather without footwear, necessitating the amputation of his feet; and with frequently beating prisoners and forcing them to submerge their heads in cold water in mid-winter. He was found guilty of all specifications and sentenced to 30 years at hard labor.

Trial of Ryoichi Shimode

20. The accused was a civilian guard at Camp Number One, Kamioka, Nagoya Area. He was found guilty of three out of four specifications charging him with beating prisoners of war. A motion of nolle prosequi was entered against a fifth specification.

During the trial, an extract of testimony of a previous war criminal trial (that of Chotaro Furushima) was admitted into evidence on stipulation of counsel. This is the first time that this has been done.

The defendant was sentenced to 20 years at hard labor.

Trial of Uichi Ikegami

21. This defendant was camp commander of Camp 18-B, Sasebo, Fukuoka Area. He was charged with mistreating, torturing and killing a prisoner of war by confining him in the guardhouse without sufficient food, water or clothing for a period of one month, at the end of which the prisoner died. He was additionally charged with beating various prisoners with clubs and sticks, and with failing to

PROSECUTION OF WAR CRIMINALS - Cont'd

discharge his duty as camp commander to restrain members of his command from committing atrocities. The defendant was found guilty of all four specifications charged against him and sentenced to death by hanging.

Trial of Tatsuo Abe

22. The accused, a former civilian guard at Camp Number 3, Kokuro, Fukuoka Area, pleaded guilty to one specification charging him with beating a prisoner of war and throwing cold water on him, outdoors in cold weather, while the prisoner was naked. Motions of nolle prosequi were entered against two other specifications. The defendant received a sentence of one year at hard labor. For the first time, a Canadian officer was a member of the Commission.

Trial of Unosuke Mantani

23. The defendant, a former sergeant, was second in command of Camp Number One, Kamioka, Nagoya Area. Four specifications charged him with beating prisoners of war; with burning prisoners by placing ignited, combustible substances, (moxa) on their exposed bodies; and with directing and supervising others in performing like atrocities. He was found guilty as charged and sentenced to life imprisonment.

Common Trial of Tadashi Takano, et al.

24. This was the sixth common trial to take place in Japan. The three accused were all civilian guards at Camp Number 4, Moji, Fukuoka Area. The accused Takano was found guilty of two out of five specifications charging him with beating prisoners. The other two defendants, Yoshiyuki Ikeda and Yoshika Yagi, were each found guilty of four specifications charging them with beatings. Each of the defendants was sentenced to 15 years at hard labor.

PROSECUTION OF WAR CRIMINALS - Cont'd

Trial of Seizo Nagakura

25. The accused, a former corporal, was in charge of the supply room at Camp Number 3, Kokuro, Fukuoka Area. He was charged in ten specifications with failing to issue or causing to have repaired shoes or clothing needed by prisoners of war; with forcing prisoners to stand naked in an outdoor water tank in mid-winter; with burning prisoners by placing lighted cigarettes against their bodies; with forcing water into the mouths and noses of prisoners; and with kicking prisoners and beating them with bamboo poles.

The defendant was found guilty of nine specifications and sentenced to 40 years at hard labor.

Trial of Tomio Yamada

26. The defendant was a civilian guard at Umeda Bunsho Camp, Osaka Area. Nine specifications charged him with beating and kicking prisoners; with requiring them to stand at attention for long periods of time; and with forcing a prisoner to work in cold and inclement weather while he was ill with pneumonia, thereby contributing to his death.

One former prisoner of war, who had been confined at Osaka Headquarters Camp and had visited the camp in question five or six times, gave testimony concerning the accused. The defendant was found guilty of all specifications and sentenced to life at hard labor.

PART II

PHILIPPINES

INVESTIGATION OF WAR CRIMINALS

Philippines

1. During the period 20 April - 20 May 1946, 14 cases were completed, reviewed and forwarded for final action to the Prosecution Section. The mission of investigation of the 1700 cases in the research files, was completed as of 15 May 1946. A final report of these investigations is being prepared. The investigation section will continue to handle such new cases as come to its attention.
2. Army transports assigned to the section made trips throughout the Philippines, completing investigations and carrying war criminal suspects and witnesses. One boat returned from investigations in the Netherlands East Indies.

APPREHENSION OF WAR CRIMINALS

Philippines

3. As of 20 May 1946, 7664 Japanese Prisoners of War in the Philippine Islands were classified as "Detained, Suspected" and "Detained". Those classified as "Detained" have been identified as war criminals, while those classified "Detained, Suspected" are still under investigation.

Screening of Prisoners of War to determine the identities of those wanted or suspected as war criminals continued. 295 prisoners were cleared for repatriation to Japan, and 37 held for further investigation as known or suspected perpetrators.

At the request of other sections 67 Prisoners of War were interrogated to aid in the development of pending war criminal cases.

PROSECUTION OF WAR CRIMINALS

Philippines

4. Six more trials were completed during the period 20 April - 20 May 1946. One of these cases involved four defendants, another involved three defendants and the remainder, one each. In addition two cases are being tried, while 15 more are awaiting trial. There are nine cases being prepared for trial.

5. Summary of War Crimes Trials Completed in the Philippines-
20 April - 20 May 1946:

Defendant	Official Capacity	Rank	Date of Trial	Result of Trial
1. ONO, Satoru	C.O., Anti-Aircraft Unit	Captain	20 April-22 April	Death by Hanging
2. RIN, Kin Ryu	POW Guard	Civilian	29 April-30 April	Death by Hanging
3. KONO, Takeshi	C.G., Visayan Islands	Lt. Gen.	15 April-1 May	Death by Hanging
(TANAKA, Mitsuji	Garrison C.O.	Major	6 May-7 May	Life at Hard Labor
4. (ITO, Kyuemon	Member of TANAKA'S Command	M/Sergeant		20 Years at Hard Labor
(WAKAMORI, Hiroshi	Member of TANAKA'S Command	Corporal		10 Years at Hard Labor
5. NAKADA, Yoshiaki	Propagandist, Southern Luzon	Civilian	1 May-11 May	30 Years at Hard Labor
(NAKAMURA, Takeo	Kempei Tai	Captain	9 May-17 May	Death by Hanging
(KATAGIRI, Yiyoshige	Kempei Tai	1st Sergeant		15 Years at Hard Labor
6. (KANODA, Kensuke	Kempei Tai	Lance Cpl.		25 Years at Hard Labor
(NAKAMURA, Yasuzo	Kempei Tai	Sergeant		25 Years at Hard Labor

Trial of Satoru Ono

6. The accused, a former captain in command of an Anti-Aircraft Unit in New Guinea, was charged with ordering

PROSECUTION OF WAR CRIMINALS - Cont'd

members of his command to kill two American Prisoners of War. In addition to two witnesses and 23 items of documentary evidence, the prosecution introduced confessions of the accused to support the charge and specification. The defendant was found guilty and sentenced to death by hanging.

Trial of Kin Ryu Rin

7. This defendant was a civilian guard at Cabanatuan Prisoner of War Camp No. 1, Luzon. He was accused of shooting and killing an American officer Prisoner of War while on duty as a tower guard. The accused testified that the prisoner was trying to escape when shot, but witnesses gave evidence that the prisoner was working in his garden at the time he was shot. The defendant was found guilty and sentenced to death by hanging.

Trial of Takeshi Kono

8. A former Lieutenant General, the accused was Commanding General of certain of the Visayan Islands, including Leyte, Samar, Negros and Panay. He was charged with having unlawfully disregarded and failed to discharge his duties in controlling the operations of members of his command by permitting them to commit brutal atrocities and high crimes. 49 specifications detailed instances where soldiers of his command tortured and killed more than 1600 civilians, during the course of the war. For the most part, these atrocities were committed while members of the KONO Command were engaged in ordered and planned punitive expeditions. Witnesses to the massacre of approximately 1700 persons on Panay and neighboring islands identified the perpetrators as being under the command of the accused. The defendant was found guilty and sentenced to death by hanging.

PROSECUTION OF WAR CRIMINALS - Cont'd

Joint trial of Mitsuji Tanaka, et al

9. The accused, Tanaka, was a major in command of the Japanese garrison on Fuga Island, a small island approximately sixty kilometers north of Luzon. The other two defendants were under his command.

They were charged with wrongfully and unlawfully ordering and participating in the killing of four American aviators on 20 June 1945. Lt. Gen. Tajima, who issued the order to Major Tanaka calling for the execution of the aviators was not charged, inasmuch as he was already under sentence of death by hanging in the case of the United States of America vs Tajima. The testimony of three witnesses, as well as statements of the three accused, was used to support the charge and specifications. All three defendants were found guilty. Tanaka was sentenced to life imprisonment; a second defendant received a 20 year sentence; and the third was sentenced to ten years imprisonment.

Trial of Yoshiaki (Toshieki) Nakada

10. The defendant was a civilian, in charge of propaganda in Southern Luzon. He was charged with participating in the killing of approximately 650 Chinese and 80 Filipinos on 24 February 1945, and with burning the town of San Pablo, Laguna province where the killings took place. Four others, similarly charged had been previously tried and convicted. 14 witnesses, some of whom exhibited bayonet and saber scars on their bodies disclosed that the victims had been gathered together in a Catholic Church, ostensibly to work for the Japanese Army. The victims were taken, five at a time, to a coconut grove where they were bayoneted or decapitated. The accused was found not guilty of the burning of San Pablo, but guilty of participating in the killings. He was sentenced to 30 years confinement at hard labor.

Joint Trial of Takeo Nakamura, et al

11. Takeo Nakamura, a former captain, was commandant of the

PROSECUTION OF WAR CRIMINALS - Cont'd

Kempei Tai in Cagayan Province. The three other accused tried were enlisted men under his command. Charges were dismissed against three more accused as they have not been apprehended, and against another accused in view of finding of insanity.

Takeo Nakamura was charged with unlawfully ordering the killing of 30 Filipino civilians and the torture of 17 others, as well as with participating in some of the atrocities. The other accused were charged with tortures of Filipino civilian.

All accused were found guilty. Takeo Nakamura was sentenced to death by hanging and the other three defendants to prison terms ranging from 15 to 25 years imprisonment at hard labor.

John L. Cole
JOHN L. COLE
1st Lt., Inf.
S & R O.

7

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 9
JUNE 1946

STATISTICS & REPORTS

7

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

FILE NO. 319.1

MONTHLY SUMMATION NO. 9
JUNE 1946

C O N T E N T S

PART I

JAPAN

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PHILIPPINES

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ACTIVITIES OF THE LAW DIVISION

1. Military Occupation Courts

A. Advice was given to an attorney representing a Korean arrested for blackmail and blackmarket activities. The attorney was advised that his client was subject to the Japanese Criminal Law and would not be tried by the Occupation Courts.

B. Members of this Division made a tour of inspection of the Provost Courts from Kure to Kyoto. The courts visited are functioning normally with out difficulties, other than those of a minor nature. The backlog of cases existing in the areas inspected have been disposed of or will be in a very short time.

2. Enforcement of SCAP Directives

Conferences were held between representatives of this Division and the Ministry of Justice with reference to making violations of SCAP Directives punishable under Japanese law. A draft of an Imperial Ordinance covering such violations is being formulated.

3. Japanese Civil Suits against United Nations Nationals

A question arose on the problem of United Nations nationals defendants in Japanese civil proceedings who are unable to be present in Court to defend themselves. Opinion was rendered that in suits where the defendants are unable to adequately defend themselves, such suits may be suspended.

4. Repatriation of Koreans

A document was submitted requesting authorization for the

Imperial Japanese Government to apprehend and deport to Korea those Koreans who enter, or may in the future enter, Japan by illegal means. The interested Section was informed that Koreans are subject to Japanese law, and are punishable in Japanese Courts, and in appropriate cases may be deported.

5. Supplementary Rations to Foreigners.

Attended Staff conference to discuss the problem of providing supplementary rations for foreigners in Japan who are in no way connected with the occupation forces and in no way contributing to the occupation mission nor desirous of repatriation. It was proposed that a directive be issued to the Japanese Government authorities to make available adequate food supplies to such foreigners who have the means to pay for them. A Staff representative at the meeting pointed out that the Imperial Japanese Government had been directed to make available adequate necessities for indigent people; the word "indigent" being interpreted to mean, persons who have money to pay for food but are suffering from malnutrition due to their inability to obtain it. It was decided that the Public Health and Welfare Section should enforce the existing directive rather than by issue of a new one.

6. Siamese Nationals

A conference was held between representatives of this Section and representatives of the Imperial Japanese Government with reference to the illegal entry into Japan of Siamese Nationals. The right of the Japanese Government to prosecute a Siamese vessel and crew for the illegal entry in a Japanese harbor since the Siamese are presently not considered United Nations Nationals and as such are amenable for trial in a Japanese Court was confirmed.

7. Requisition of Japanese Vessel.

Study prepared on the law applicable to requisitioning of a Japanese ship by the military government authorities in Korea. The ship was of Japanese registry and was requisitioned in Korea while in port. This Division's opinion was that the ship was a proper subject of requisitioning and that the circumstances did not make its taking illegal.

8. Alcoholic Beverages.

A Japanese subject was tried by a Japanese court for the sale of poison alcoholic beverages which resulted in the death of several Japanese persons, and was fined ¥1,000. An interested agency brought to the attention of the Japanese Ministry of Justice, the fact that under the existing SCAP directives the minimum punishment was two years imprisonment or ¥10,000 fine. The Japanese Ministry of Justice officials explained that under Japanese law where intent is not an element of a crime, the maximum punishment is ¥1,000 fine. This problem was presented by the Japanese Ministry officials to this Division for our views. They were informed that under the directive, knowledge of possessing poisonous beverages, is immaterial and that the Japanese criminal procedure should be changed to conform with the directive.

9. Courts Martial

Advice was rendered to the effect that civilian personnel attached to and accompanying the armed forces of the United States are subject to military law.

10. Marriages

Opinion was rendered upon the legality of a proposed circular

restricting marriages of U.S. Military Personnel and War Department civilian employees with Japanese nationals. The conclusion was reached that such restrictions are legally valid and highly desirable for practical reasons.

11. Personal Problems

Legal advice and assistance was rendered to Military and civilian personnel. Such matters as wills, powers of attorney, marital problems, the maintaining of private quarters in a Japanese home, execution of real estate mortgages, and the possibility of entering a private enterprise with a Japanese firm, were handled during this period.

INVESTIGATION

JAPAN

12. During the period 25 May - 24 June 1946 this Division has completed 510 interrogations, of which 238 have been reduced to the form of signed statements.

Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 May	Cases received 25 May- 24 June	Cases completed 25 May	Cases on hand 24 June
POW Camp Conditions	10	5	2	13
POW Camp Atrocities	71	6	7	70
B-29 Fliers	168	10	7	171
POW Ship	54	0	0	54
Kompei tai International Police	29	2	3	28
<u>Miscellaneous</u>	<u>166</u>	<u>48</u>	<u>23</u>	<u>191</u>
Total	498	71	42	527

13. As the result of an investigation by this Division Tashio KAMINO, a former Lieutenant Colonel in the Japanese Army and until recently in charge of the Tokyo Area Demobilization Bureau, was brought to trial before a United States Provost Court. KAMINO was charged with withholding information; making false statements and with destroying evidence. The defendant was found guilty as charged and sentenced to serve 1 year in prison and fined ¥ 5000.

This is the first case of its kind to be handled by this division.

APPREHENSION OF WAR CRIMINALS

JAPAN

14. During the period 25 May - 24 June 1946 nine memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 122 persons charged with war crimes.

ORDERS FOR APPREHENSION

<u>Date & File Number</u>	<u>SCAFIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (25 May 46)	938	2 Civilians
AG 000.5 (29 May 46)	988	19 Army Officers 8 Army Enlisted Men 6 Civilians
AG 000.5 (31 May 46)	991	13 Army Officers 13 Army Enlisted Men 3 Civilians
AG 000.5 (3 June 46)	994	1 Army Enlisted Man 2 Civilians
AG 000.5 (11 June 46)	1012	1 Civilian
AG 000.5 (12 June 46)	1018	1 Navy Officer
AG 000.5 (14 June 46)	1022	1 Army Enlisted Man
AG 000.5 (15 June 46)	1027	19 Army Officers 1 Army Enlisted Man 8 Navy Officers 15 Civilians
AG 000.5 (23 June 46)	1036	6 Army Officers 1 Army Enlisted Man 2 Civilians

15. Three memorandums were issued during the period 25 May - 24 June 1946 ordering the deletion of three persons from apprehension

Memorandums previously issued.

AG 000.5 (28 May)	888	1 Civilian
AG 000.5 (4 June 46)	997	1 Army Enlisted Man
AG 000.5 (8 June 46)	1005	1 Army Enlisted Man

16. A Clarification of Status Memorandum (AG 000.5 12 June 1946, LS SCAPIN 1014) directed the release from confinement and suspicion of 16 persons. All were released because of insufficient evidence to warrant their further detention. The memorandum included 2 army officers, a navy lieutenant, 5 army men and 8 civilians.

17. The Imperial Japanese Government was notified of the execution of a convicted war criminal (AG 000.5 25 May 46, LS SCAPIN 1332-A) and under Memorandum (AG 000.5 19 June 46, SCAPIN 1029) were advised the results of war crimes trials.

Conferences were held with an interested Section relative to the supplying of additional information indicating reasons for the requested apprehension of suspected war criminals. Such information now accompanies all apprehension memorandums.

18. On request of this Section 69 suspects were interned at Sugamo Prison during the period 25 May - 24 June 1946. The names and identifications of some of the important persons interned during this period include:

KIEKICHI NISHIYAMA - Lieutenant General, Japanese Army; in command of Medical Corps at Formosa garrison headquarters from Nov. 1944 to September 1945.

NAOMASA SAKONJU - Vice Admiral, Japanese Navy; commander of the 16th Squadron. Wanted in connection with the sinking of the British vessel S.S. Behar and the ordering of the execution of the survivors.

SHIGEJI MORI - Lieutenant Colonel, Japanese Army; former camp commander at Cabanatuan Prisoner of War Camp #1.

JUNISHI NAKANO - Colonel, Japanese Army; chief camp commandant,

prisoner of war, headquarters, Formosa. In charge of all POW camps in Formosa. Responsible for carrying out the "Hate Campaign" against prisoners of war.

HIROSHI YOKOTA - Colonel, Japanese Army; staff officer Formosa garrison in charge of the supervision of the prisoner of war camps.

YOSHITAKE YOKOTA - Colonel, Japanese Army; commander of the Kochi Kempei Tai.

SHUNSUKE WADA - Formerly a civilian interpreter with the Japanese Army at the Davao Penal Colony and at Bilibid Prison. Wada has been wanted as a suspected war criminal since December 1945. On 21 June Wada gave himself up to the custody of the Chief, Criminal Registry Division. He is wanted for atrocities causing death to several prisoners of war.

PROSECUTION OF WAR CRIMINALS

JAPAN

19. For the period 25 May - 24 June 1946 five war crimes trials were completed. Three additional cases are in the process of being tried while 12 more cases have been referred to EIGHTH Army for trial. A total of 331 cases are in various stages of preparation and there are 87 additional prospective cases. To the present date 60 war criminals have been tried. Of this number 56 were convicted, six of these receiving the death penalty and four defendants were acquitted. The case against Kuniichi ARAKI was the 40th case to go to trial before a military commission in Japan.

20. Summary of War Crimes Trials completed in Japan - 25 May - 24 June 1946:

DEFENDANT	OFF. CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
	POW		20 May	
1. DANNO, Kazuo	Medical Officer	1st. Lt.	7 June	Acquitted
			24 May-	30 years
2. AOKI, Shoichiro	POW Guard	Civilian	28 May	hard labor

prisoner of war, headquarters, Formosa. In charge of all POW camps in Formosa. Responsible for carrying out the "Hate Campaign" against prisoners of war.

HIROSHI YOKOTA - Colonel, Japanese Army; staff officer Formosa garrison in charge of the supervision of the prisoner of war camps.

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DEFENDANT	OFF. CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
3. AKAMATSU, Toranoshin	POW Guard	Civilian	29 May- 19 June	Life Imprisonment
4. KAWASAKI, Iwao	Paymaster	Sergeant	3 June- 10 June	25 years hard labor
5. ARAKI, Kuniichi	Medical Corps	Sgt. Major	12 June- 18 June	Death by Hanging.

21. TRIAL OF KAZUO DANNO

The defendant a First Lieutenant, Medical Officer at the POW Branch Camp No. 23, Fukuoka was charged with failing to render the proper medical aid to American prisoners of war and of failing to control and restrain members of the medical detachments under his supervision. Lack of medical attention contributed to the death of two prisoners. Numerous beatings by members of his command, withholding Red Cross and other medical supplies and refusing to supply medical equipment to the American prisoner of war doctor were included in the specifications.

DANNO was found not guilty as to all charges and specifications.

The decision of the Commission established the precedent that a Japanese Medical Officer in charge of the medical affairs of a prisoner of war camp is not responsible for the atrocities of his medical corps men unless he has personally ordered, or condoned or otherwise acquiesced in them.

22. TRIAL OF SHOECHIRO AOKI

AOKI, a civilian guard at Umeda Prisoner of War Camp faced seven specifications charging him with numerous beatings of the prisoners, inflicting collective punishment against about ninety American and Allied prisoners and in general mistreating and abusing members of this camp. The accused was found guilty on four of the specifications and was sentenced to serve 30 years at hard labor.

23. TRIAL OF TORANOSHIN AKAMATSU

This defendant was a civilian guard for prisoners of war at the Yodogawa Camp, Osaka Area. The Commission found him guilty of all but one of the nineteen specifications, sentencing him to life imprisonment. These specifications ranged from the unmerciful beating of a Naval chief petty officer that resulted in his death, to various atrocities that included numerous beatings, binding and gagging men and of forcing them to stand outdoors in cold weather without sufficient clothing.

24. TRIAL OF IWAOKAWASAKI

The accused was a former pay sergeant stationed at the prisoner of war camp No. 3, Fukuoka. Five specifications charged him with the beatings of prisoners, with mistreating and torturing prisoners by immersing them in cold water and with forcing them to stand outdoors in cold weather without clothing. Kawasaki was found guilty and received a sentence of 25 years at hard labor.

25. TRIAL OF KUNIICHI ARAKI

This was the 40th case to go to trial before a Military Commission here in Japan.

ARAKI was a medical sergeant major and senior Japanese medical representative at 1st. Branch Camp, Muroan, Hokkaido. Four specifications charged him with forcing sick prisoners to leave the sick bed to attend roll call, forced them to work and inflicted numerous beatings to those that could not carry on their work details because of their condition. He was also charged with failing to provide the prisoners with the necessary medical attention and supplies. The defendant was found guilty and sentenced to death by hanging.

PART II

PHILIPPINES

INVESTIGATION OF WAR CRIMINALS

26. During the current report period the investigation of four cases was completed and these cases have been forwarded to the Prosecution Section for final action. The total number of completed investigation cases at the present time is 317. Six new reports of atrocities were received during this period and these reported atrocities are being investigated. In addition, two cases which had been previously closed were reopened. At the present time seven cases are being investigated.

27. The FS boats, small Army transports, assigned to this section completed the following missions during this period:

a. The FS 220 made a trip to Panay Island for the purpose of carrying on additional investigation of several cases which are to be tried in the near future. On its return to Manila it brought 65 witnesses for use in these trials.

b. The FS 208 made a trip to Negros Island for additional investigation and on its return carried 30 witnesses for use in pending trials. On this trip, the boat also proceeded to Romblon Island where an investigation was successfully completed resulting in a triable case against one perpetrator.

Two officers completed an investigation in the Okinawa area involving the execution of American airmen.

APPREHENSION OF WAR CRIMINALS

28. As of 20 June 1946 there are 1,016 detained Japanese prisoners of war in the Philippine Islands. Of this total figure 477 have been identified as war criminals, 523 are suspected war criminals and 16 are being held for witnesses. Of the 477 identified war criminals, 386 remain to be tried and 91 have already been convicted.

29. A final screening of all detained Japanese prisoners of war on Luzon, Leyte and Okinawa had been initiated during the period of this report. Six thousand and six hundred and eighty two Japanese prisoners of war were screened, either by routine interview or by the checking of rosters against files of wanted perpetrators. Six thousand and six hundred and forty nine prisoners of war were cleared for repatriation to Japan, the balance were detained, either as identified perpetrators or as witnesses. There were 49 prisoners of war cleared at the request of other sections due to insufficient evidence or lack of proper witnesses.

PROSECUTION OF WAR CRIMINALS

30. Seven trials were completed during the period 20 May to 20 June 1946. One of the trials involved thirteen defendants, another four defendants, another case two defendants and the remaining four trials involved one defendant each.

31. SUMMARY OF WAR CRIMES TRIALS COMPLETED IN THE PHILIPPINES

20 May - 20 June 1946:

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. MORITA, Toyozo	Bn. C.O.	Lt. (JG)	10 May-22 May	Life Imprisonment
2. YOSHIDA, Tokujito	C.O. Guard unit	Capt.	25 May-29 May	Death by Hanging
3. (TANEICHI, Mikio	Member of 17th Inf. Regt.	Capt.	27 May-4 June	Death by Hanging
(SAKATA, Yuzo	Member of 17th Inf. Regt.	Lt.		30 Years at hard labor
(YAMADA, Taichi	Member of 17th Inf. Regt.	Lt.		30 Years at hard labor
(KANTO, Bunji	Member of 17th Inf. Regt.	Lt.		30 Years at hard labor
4. TAKIZAWA, Toshiro	Bn. C.O.	Capt.	5 June-8 June	Acquitted
5. (MIKAMI, Koe	Company C.O. 30th Div.	Major	4 June-13 June	Death by Hanging
(YOSHINAGA, Hitoshi	Member of Mikami's Co.	1st. Lt.		Life Imprisonment
(SAWASAKI, Ikuo	"	1st. Lt.		Life Imprisonment
(OKUMURA, Nobuo	"	W/O		Life Imprisonment
(YOKOYAMA, Kimio	"	Pvt.		20 Years at hard labor

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
5. (cont.)				
(KINOSHITA,	Member of	Pvt.		10 Years at
(Shizuo	Mikami's Co.			hard labor
(IKUNO,	"	Pvt.		10 Years at
(Tadao	"			hard labor
(OKAZAKI,	"	Pvt.		20 Years at
(Shigeo	"			hard labor
(TSUBOI,	"	Pvt.		10 Years at
(Yasunori	"			hard labor
(NISHIMURA,	"	Pvt.		20 Years at
(Takuzo	"			hard labor
(MAETAKA,	"	Pvt.		20 Years at
(Yasuheru	"			hard labor
(OHARA,	"	Pvt.		20 Years at
(Kenyo	"			hard labor
(OGAWA,	"	Pvt.		10 Years at
(Masato	"			hard labor
6. (NOGI,	Member of	Lt. (SG)	14 June-	30 Years at
(Harumichi	Naval Guard Unit		15 June-	hard labor
(YOSHIZAKI,	"	W/O		25 Years at
(Kiyosato	"			hard labor
7. (TATISHI, Teodoro		Civilian	20 May-	Death by
			23 May	Hanging

32. A particular note of interest has arisen out of the case of Mariano Uyeki who was convicted before a Military Commission on the 17th day of April 1946 and sentenced to hang. The accused filed a petition for writ of habeas corpus before the Supreme Court of the Commonwealth of the Philippines in Manila, P.I., on 27 April 1946, directed against Lt. Gen. Wilhelm D. Styer, Commanding General, United States Army Forces, Western Pacific, alleging that the accused was being improperly held as a war criminal for the reason that he was a Filipino citizen. On the 30th day of April 1946 the Supreme Court dismissed the petition and the entry of judgment became final and executory on the 18th day of May 1946. On the 31st day of May 1946 the accused filed a petition for writ of certiorari in the United States Supreme Court to review the petition for habeas corpus and the resolution of the Supreme Court of the Philippines. On the 8th day of June 1946 the Supreme Court of the United States granted a writ of certiorari to review judgment of the Philippine Supreme Court and further ordered that all proceedings on the case be stayed pending the final disposition

of the matter before the Supreme Court. The matter is still pending before the Supreme Court of the United States.

TRIAL OF TOYOZO MARITA

33. The accused, Toyoza MORITA, a former navy lieutenant and a member of the Doi Unit of the Imperial Japanese Navy while acting as company commander was charged with the murder of fifty one non-combatant Filipino civilians at Mahayag, Tibungao City. Charged with taking active part in the murder and with having willfully and unlawfully failed to discharge and perform his duties as commander in that he permitted Japanese armed forces under his command to kill the non-combatant civilians. The prosecution introduced in evidence twelve exhibits and one witness to support the charges and specifications. The defendant was found guilty and sentenced to life imprisonment.

TRIAL OF TOKUJIRO YOSHIDA

34. YOSHIDA, a former Captain in the Imperial Japanese Army and commandant of a coastal guard unit on Luzon was charged with the killing and the attempted killing of Filipino civilians in Buguey. The testimony of five witnesses was introduced and eleven exhibits were put into evidence by the prosecution.

The accused was found guilty as charged and sentenced to death by hanging.

JOINT TRIAL OF MIKIO TANEICHI, ET AL

35. This trial involved four defendants, all members of the Japanese 17th Infantry Regiment commanded by Colonel Masatoshi FUJISHIGE. Besides TANEICHI a former Captain the defendants included Lieutenants Yuzo SAKATA, Taichi YAMADA and Bunji KANTO. All of the accused were charged with murder at Celamba, P.I., while TANEICHI faced additional charges for murder and rape at

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Teneuan, P.I. Ten witnesses were called by the prosecution. Each of the accused was identified as having participated in one or more of the alleged offenses. Signed statements of the accused were placed in evidence by the prosecution.

The defendants were found guilty as charged. TANEICHI was sentenced to death by hanging; YAMADA, SAKATA and KANTO were each given thirty years at hard labor.

TRIAL OF TOSHIRO TAKIZAWA

36. This case brought to trial thirteen defendants. All were former members of the 30th. Division of the Imperial Japanese Army stationed in Mindanao. MIKAMI, a major, was the commanding officer of all the accused. They all faced charges of killing six unarmed Filipino civilians near Langasian, Mindanao. The victims, a man, two women, two children and a baby were captured by members of MIKAMI's command while in the search for food. Japanese prisoners of war testified that the Filipinos were executed without trial on MIKAMI's order and that several of the accused performed the execution. Witnesses for the prosecution, five Filipinos, described the bodies of the victims as having numerous bayonet wounds and the body of one of the children as having been decapitated. A Medical Officer of the United States Army also testified for the prosecution. All of the accused were found guilty of the charge and specifications. MIKAMI was sentenced to death by hanging; YOSHINAGA, SAWASAKI, and OKUMURA were given terms of life imprisonment, OKAZAKI, NISHIMURA, MAETAKA and OHARA were sentenced to twenty years at hard labor. The remaining four defendants KINOSHITA, IKUNO, TSUBOI and OGAWA were all sentenced to serve ten years at hard labor.

TRIAL OF HARUMICH NOGI AND KIYOSATO YOSHIZAKI

37. NOGI was a Lieutenant Senior Grade and YOSHIZAKI, a warrant officer in the Imperial Japanese Navy. The accused were charged

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with willfully and unlawfully killing three unidentified American Airmen POW's being held in the custody of the Japanese Navy. The commission found the accused "Guilty" and sentenced NOGI to 30 years imprisonment at hard labor and YOSHIZAKI to 25 years at hard labor.

TRIAL OF TEODORO TATISHI

38. The accused, a Japanese mestizo civilian who voluntarily took up arms with the Imperial Japanese Army, was charged with willfully and unlawfully killing four Filipino civilians.

The defense placed one witness on the stand - the accused. The defense relied on one proposition that the Military Commission had no jurisdiction on this case because Teodoro TATISHI was a Filipino citizen by naturalization. The defense attempted to establish that Teodoro TATISHI was a citizen of the Philippines by naturalization by placing into the record a certificate of naturalization which Teodoro TATISHI identified as his. In rebuttal the Prosecution placed on stand two witnesses. One, the former provincial fiscal, Mr. Mojica, who testified that Teodoro TATISHI never had any qualifications for citizenship and opposed his application in 1938 on that basis. He opposed the application as the representative of the Solicitor-General in the Philippine Commonwealth. A second witness, Mr. Veras, testified that in his presence after 20 December 1941, Teodoro TATISHI tore up the said paper which he claimed to be the naturalization paper and Teodoro TATISHI made a statement to the effect that he never was a Filipino citizen and he intended to fight the Filipinos and the Americans to the last, that he took his allegiance to the Japanese Government and he always will be a Japanese. The certificate of naturalization offered by the defense concerned Teodoro CANTUS and yet Teodoro TATISHI admitted that he never used the name Teodoro CANTUS, that he was known by the name Teodoro TATISHI at all times.

On or about 15 May 1946 the defense filed a petition for habeas corpus before the Philippine Supreme Court. Two questions raised by the habeas corpus were: (1) Is Teodoro TATISHI a citizen of the Philippine Islands by naturalization? (2) Whether a Military Commission has jurisdiction for war crimes of a Filipino citizen. The Philippine Supreme Court decision has not been rendered as yet.

On 23 May 1946 the case was completed and the Commission found the accused "guilty" of the charge and specifications and sentenced him to "death by hanging".

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LEGAL SECTION

MONTHLY SUMMATION NO. 10
JULY 1946

STATISTICS & REPORTS

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PART I

JAPAN

ACTIVITIES OF THE LAW DIVISION

Military Occupation Courts

1. Conferences were held with representatives of Japanese courts on interpretations of military occupation court directives.
2. Advice was given that a soldier of an Allied nation is amenable to trial only by the court of the military force of which he is a part.
3. Statistics on the operation of military occupation court for the months of May and June, 1946, showed that there was an increase in the number of thefts and larcenies reported. Of 1123 cases, 1003 dealt with the unauthorized possession of United States government property by Japanese; 62 were concerned with acts prejudicial to the security of the occupation forces; 51 with acts prejudicial to the objectives of the occupation; and seven were miscellaneous cases.

Enforcement of SCAP Directives

4. Continuing conferences were held with representatives of the Ministry of Justice with respect to the proper application of various portions of Imperial Ordinance No. 311 which makes violations of SCAP directives a crime under Japanese law. Arrangements were made for a broadcast by an official of the Ministry of Justice to explain to the Japanese people the provisions of the Ordinance.

Jurisdiction of Japanese Courts

5. An interested section inquired whether a United Nations National was subject to restraint by the Imperial Japanese Government for a violation of Japanese law. The reply was that while such nationals are subject to

Japanese criminal law, violators would be tried in occupation courts. If no allied troops are available and there is reasonable suspicion that a serious crime has been committed, then an arrest may be made by Japanese authorities.

6. The opinion was given that a Japanese, charged with the murder of a Chinese national, could be adequately punished by a Japanese court, and that if punishment was thought to be inadequate, the case could be reviewed.

7. A memorandum to the Imperial Japanese Government, detailing the disposition of 39 criminal cases involving United Nations Nationals and pending in Japanese courts, was prepared. The cases were divided into three categories. Those persons who had appeals pending as of 19 February 1946 were authorized to transfer their cases to SCAP for review of the appeal. Cases in which the persons involved have been repatriated will be considered closed. Cases in which no sentence has been imposed will be referred to trial by military occupation courts, and removed from Japanese jurisdiction.

8. The Japanese Government was given informal instructions to suspend without prejudice to the claimant, a claim against an American owned factory in Japan, until such time as the American firm is able to protect its interest and for a reasonable time thereafter.

9. The question was raised whether an Allied National, who was found guilty and fined by a Japanese court in 1940, should be required to pay the remainder of the fine due. Opinion was rendered that he should pay the remainder of the fine, and that the matter should be taken up by the Allied mission concerned.

10. Concurrence was given to a directive to the

Imperial Japanese Government requesting information as to patent rights concerning United Nations Nationals.

11. An opinion was rendered that under the Rules of Land Warfare an occupying army can take only such moveable property belonging to the state which may be used for military occupation, and that therefore the shipment of special reproductive silkworm eggs belonging to the Japanese Government, to Allied countries, would be in contravention of the provisions of the Rules of Land Warfare.

12. An interested section was informed that the cost of dependent housing in Korea is properly chargeable as an occupation cost.

13. Personal advice of a legal nature was given to Allied personnel.

INVESTIGATION OF WAR CRIMINALS

JAPAN

14. During the period 25 June - 24 July 1946, 674 interrogations were completed, of which 256 were reduced to the form of signed statements.

15. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 June	Cases received 25 June-24 July	Cases completed 25 June-24 July	Cases on hand 24 July
POW Camp Conditions	13	0	11	2
POW Camp Atrocities	70	13	7	76
B-29 Fliers	171	7	7	171
POW Ship	54	0	7	47
Kempei tai International Police	28	0	4	24
<u>Miscellaneous</u>	<u>191</u>	<u>26</u>	<u>32</u>	<u>185</u>
Total	527	46	68	505

APPREHENSION OF WAR CRIMINALS

JAPAN

16. During the period 25 June-24 July 1946 three memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 68 persons charged with war crimes.

Orders for Apprehension
25 June-24 July

<u>Date & File Number</u>	<u>SCAPIN No.</u>	<u>Persons ordered apprehended</u>
AG 000.5 (11 July 1946) LS	1062	3 Army officers 5 Civilians
AG 000.5 (15 July 1946) LS	1064	12 Army officers 7 Army enlisted men 5 Navy officers 3 Navy enlisted men 28 Civilians
AG 000.5 (22 July 1946) LS	1075	5 Civilians

17. One memorandum (AG 000.5, 17 July 1946, SCAPIN No. 1068, LS) directed the deletion of one army officer from apprehension memorandums previously issued.

18. One memorandum (AG 000.5, 22 July 1946, SCAPIN No. 1076, LS) informed the Imperial Japanese Government of the procedure to be followed in pending cases of Allied Nationals in Japanese courts. (SEE Par. 7)

19. Four memorandums informed the Imperial Japanese Government of the execution of 46 convicted war criminals.

AG 000.5 (27 June 1946) LS	1574-A	9 persons
AG 000.5 (29 June 1946) LS	1606-A	4 persons
AG 000.5 (4 July 1946) LS	1642-A	4 persons
AG 000.5 (11 July 1946) LS	1701-A	29 persons

20. One additional memorandum (AG 000.5, 29 June, 1946, SCAPIN No. 1044, LS) informed the Imperial Japanese Government of the results of the trial of 4 war criminals.

21. On request of this section 52 suspected war criminals

were interned at Sugamo Prison during the period 25 June-24 July 1946. Total number of persons in Sugamo Prison as of 2400, 24 July, 1946, was 743.

PROSECUTION OF WAR CRIMINALS

JAPAN

22. During the period 25 June-24 July 1946 seven war crimes trials were completed. One of these involved two defendants, and the other six one defendant each. Two additional cases are in the process of being tried while 12 additional cases have been referred to the EIGHTH Army for trial. A total of 323 cases are in various stages of preparation and there are 87 additional prospective cases. To date 68 suspected war criminals have been tried. Of this number 64 were found guilty, six of these receiving the death sentence, and four defendants were acquitted.

23. Summary of War Crimes Trials completed in Japan - 25 June-24 July 1946

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. HIRATA, Takeharu	POW Camp C.O.	Lt	12 June-26 June	20 years at hard labor
2. KAMEOKA, Yoshio	Interpreter	Civilian	15 June-26 June	Life at hard labor
3. FUKUNAGA, Takeo	Medical Orderly	Civilian	25 June	2 years at hard labor
4. MINENO, Genji	POW Guard	Civilian	25 June-28 June	20 years at hard labor
5. OKAZAKI, Isojiro	Medical Orderly	Sup/Pvt	2 July	2 years at hard labor
6. KIMURA, Yasushi	POW Guard	Civilian	20 July-23 July	5 years at hard labor
7. (KAWAKAMI, Harushige	POW Guard	Civilian	10 July-12 July	10 years at hard labor
(SHIMODAIRA, Naozo	POW Guard	Civilian		12 years at hard labor

24. TRIAL OF TAKEHARU HIRATA

The defendant, a former First Lieutenant, and POW Camp Commander was charged in five specifications with allowing his subordinates to beat 15 named prisoners of war, with failing to provide proper food and medical supplies, with forcing prisoners to perform arduous labor when physically ill, and with personally beating one prisoner of war. HIRATA was found guilty of all five specifications.

Japanese officials testified that lack of food supplied to prisoners was general throughout Japan, and not confined to any one prison camp, but it was pointed out by the prosecution that this did not result in the lessening of labor demands. The defendant was sentenced to serve 20 years at hard labor.

25. TRIAL OF YOSHIO KAMEOKA

Yoshio KAMEOKA was charged in four specifications with beating many named prisoners of war, as well as others who were unnamed in the charge. The beatings occurred while the accused was an interpreter at a Nagoya Area Prisoner of War Camp. The accused was found guilty of all four specifications and sentenced to life imprisonment at hard labor.

26. TRIAL OF TAKEO FUKUNAGA

Two specifications accused the defendant of beating four prisoners of war at a Hiroshima Prisoner of War Camp. Fukunaga served as a medical orderly at the camp. Although he pleaded not guilty he admitted, on the witness stand, that in a fit of anger he had struck the prisoner named in the second specification. Excerpts from the record of trial of the Camp Commandant of this camp were used by the prosecution. The accused was sentenced to serve two years at hard labor.

27. TRIAL OF GENJI MINENO

This accused, a former civilian guard at a Fukuoka Prisoner of War Camp, was found guilty of ten out of twelve specifications charging him with committing varied atrocities on prisoner of war. Beatings, burnings of prisoners bodies, the water treatment (pouring water into mouths and nostrils), forcing prisoners to stand at attention for long periods of time, and forcing prisoners to slap each other in the face were some of the atrocities listed. A sentence of 20 years at hard labor was imposed on the accused.

28. TRIAL OF ISOJIRO OKAZAKI

The defendant pleaded guilty to two specifications; each charging him with beating a prisoner of war at the Yodogawa POW Camp, Osaka Area. A third specification was withdrawn.

Inasmuch as the defendant had pleaded guilty to two specifications, the defense claimed that the prosecution could not introduce more than one affidavit for each specification, to make out a prima facie case. The Commission overruled this and allowed the prosecution to introduce all available evidence for each specification. The accused received a sentence of 2 years at hard labor.

29. TRIAL OF YASUSHI KIMURA

Yasushi KIMURA, a civilian guard at a Tokyo Area Prisoner of War camp, was found guilty of nine specifications charging him with beating approximately 20 prisoners of war, with forcing some of them to beat each other, and with beating another and then forcing him to stand at attention for two hours with an iron pot. The defendant received a sentence of five years imprisonment at hard labor.

30. COMMON TRIAL OF HARUSHIGE KAWAKAMI AND NAOZO SHIMODAIRA

The defendant KAWAKAMI was charged in five specifications with beating various prisoners of war at a Tokyo Area Prisoner of War camp. The defendant SHIMODAIRA was charged in five specifications with participating in the same beatings, and in a sixth specification with torturing another prisoner of war. The Commission took judicial notice of the moxabustion treatment, as explained in previous cases. Both defendants were found guilty of all specifications, KAWAKAMI receiving a sentence of 10 years at hard labor and SHIMODAIRA a sentence of 12 years at hard labor.

PART II

PHILIPPINES

INVESTIGATION OF WAR CRIMINALS

31. During the current report period three cases were reinvestigated and completed and have been forwarded to the Prosecution Division for final action. The total number of completed investigation cases at the present time is 317. At the present time two major cases and many minor cases are under investigation. The Tokyo office requested further interrogation of numerous former prisoners of war now located in the Philippine Islands and this is now in the process of being accomplished.

32. Still another investigating team returned three natives to the Talaud Islands by Navy plane and while there conducted additional investigations. These natives had departed their homes in November 1945 to report war crimes to the Americans. This team were the first Americans on the island since the war when several aviators crashed there and were executed by the Japanese.

33. The FS boat, a small Army transport, assigned to this office completed the following mission during this period:

a. FS 208 made a trip to Leyte, Panay and Negros Islands for the purpose of returning witnesses from Manila to their homes.

b. This ship is now on a second trip to Cebu, Panay and Negros Islands with a triple mission of returning witnesses for both prosecution and defense, conducting further investigations at these points, and returning of additional witnesses to Manila. The duration of this voyage will be approximately two weeks.

APPREHENSION OF WAR CRIMINALS

34. As of 20 July 1946 there are 861 detained Japanese prisoners of war in the Philippines. Of this total figure 520 have been identified as war criminals, 331 are suspected war criminals and 10 are being held for witnesses. Of the 520 identified war criminals, 405 remain to be tried and 115 have already been convicted.

35. Screening of all detained Japanese prisoners of war on Leyte and Okinawa has been completed during the period of this report. Screening of all detained Japanese prisoners of war on Luzon has been accomplished except for a small group in central Luzon. Two hundred and forty two Japanese prisoners of war were screened, either by routine interview or by the checking of rosters against files of wanted perpetrators. Of the total number screened, 219 were cleared for repatriation to Japan, the balance were detained, either as identified perpetrators or as witnesses. There were eight Japanese prisoners of war cleared at the request of other divisions due to insufficient evidence or lack of proper witnesses.

PROSECUTION OF WAR CRIMINALS

36. Eight trials were completed during the period 20 June 1946 to 20 July 1946. One of these cases involved eight defendants, two cases two defendants each, and the remaining five cases, one each. Four cases were referred to the Commanding General, United States Army Forces, Western Pacific, for trial. Four additional trials were started during the current report period, but have not been completed as of 20 July. Nine new cases were assigned to prosecutors and are in the process of being prepared for trial. There are approximately 300 additional prospective cases.

38. A note of interest may be drawn from the rapid progress of the cases involving atrocities committed on the Islands of Panay and Guimaras, P.I. Recently, the former Lieutenant General KONO, Takeshi, the Japanese who was in command of these Islands during the Japanese occupation, was tried and sentenced to death by a Military Commission. During the past month several of the subordinate officers and men of Lieutenant General KONO have been tried by Military Commissions and they were also convicted, a number of them having received the death penalty.

37. The following is a summary of the results of war crimes trials in the Philippines from the first trial through 20 July 1946:

- (a) Total number of persons tried.....115
- (b) Total number of persons convicted.....112
- (c) Total number of death sentences..... 57
- (d) Total number of persons actually executed.. 31

38. Summary of War Crimes trials completed in the Philippines:

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. SASAKI, Jyunji	Member of Kempei-Tai	Sgt Maj	17 June 46- 22 June 46	Death by Hanging
2. TOZUKA, Ryoichi	CO 170 Ind. Inf. Bn.	Lt Col	20 June 46- 28 June 46	Death by Hanging
3. YOSHIDA, Tadashi	Member of Imperial Jap Army	Sgt Maj	17 June 46- 1 July 46	Death by Hanging
MORI, Isamu	"	Sgt Maj		Life Im- prisonment
NOZAKI, Toshio	"	Sgt		25 Yrs Imprisonment
KUSHIBIKI, Shigenobu	"	Sgt		25 Yrs Imprisonment
WATANABE, Shinpei	"	Sgt		25 Yrs Imprisonment
TANAKA, Hisashi	"	Cpl		Death by Hanging
ISHISAKA, Iwao	"	Cpl		Death by Hanging

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
3. (cont.) AKAGI, Conroku	Member of Imperial Jap Army	Cpl		Chgs & Spec withdrawn
KOIDE, Suteo	"	Pfc		5 Yrs
4. OTSUKA, Nariyuki	Member 37 Ind. Inf. Security Bn.	2d Lt	1 July 46- 6 July 46	Death by Hanging
KUWANO, Tadataka	"	Sgt Maj	"	Life Imprisonment
5. KUMAI, Toshimi	Member 37 Ind. Inf. Security Bn	1st Lt	8 July 46- 12 July 46	25 Yrs.
6. UNAI, Bunji	CO Kempei-Tai Unit	1st Lt	2 July 46- 9 July 46	Death by Hanging
7. MAKITA, Tokizo	Member 170 Ind. Inf. Bn.	Sgt Maj	5 July 46	Death by Hanging
ITAI, Hisaki	" " "	L/Pvt	15 July 46	Death by Hanging
8. SHIN, Fusataro	2nd in Command W/O Kempei-Tai Unit		16 July 46 18 July 46	Death by Hanging

TRIAL OF JYUNJI SASAKI

39. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, met at Manila, Philippine Islands, at 0830 hours, 17 June 1946, for the arraignment and trial of the case, United States of America vs Jyunji SASAKI.

The accused, Jyunji SASAKI, sergeant major of the Japanese Army, was stationed at Bacolod, Negros Occidental, as a member of the Kempei Tai Unit. He was charged with the murder of Angel Querubin, a Filipino civilian; an unidentified Filipino male citizen, and an unidentified Filipino female civilian, as well as the torture of numerous Filipino civilians from November 1942 to February 1945.

At the arraignment the accused entered a plea of "not guilty", and stated that he was ready for immediate trial which thereupon followed. The prosecution in examination-in-chief introduced oral evidence of five

witnesses, one of whom was an actual eye-witness to the killing of three Filipinos by the accused.

The Defense endeavored to test the credulity of all witnesses and made a motion to dismiss Specification No. 1, which motion was denied by the Commission. Jyunji SASAKI did not take the stand in his own behalf.

On 22 June 1946, the Military Commission rendered its verdict of guilty to the eight specifications with which the defendant was charged and the accused was sentenced to death by hanging.

TRIAL OF RYOICHI TOZUKA

40. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, for the trial of the case, United States of America vs Ryoichi TOZUKA, met at 1300 hours, 20 June 1946, in Manila, Philippine Islands.

TOZUKA, formerly a lieutenant colonel of the Imperial Japanese Army, was the field commander of the 170th Independent Infantry Battalion in command of Panay and Guimaras Islands from January 1943 to September 1945.

The accused was charged with having unlawfully disregarded and failed to discharge his duties in controlling the operations of members of his command by permitting them to commit brutal atrocities and other high crimes against the people of the United States and the Philippines in violations of the laws of war.

At the arraignment the accused pleaded "not guilty". Immediately after arraignment on 20 June 1946, the Prosecution began its case which included testimony of forty one (41) witnesses who saw the massacre of approximately 1700 persons on Panay and surrounding islands. TOZUKA's former testimony in the case of the United States of America vs Takeshi KONO was read into the record as was the testimony of several of the Pro-

secution's witnesses. The Defense Counsel was extended the right to personally call to the stand for further cross-examination each witness whose former testimony was read. This procedure was followed in order to save as much time as possible in a fair presentation of the facts. Witnesses identified subordinate officers and enlisted men under the TOZUKA command as the perpetrators or as those in charge of perpetrators. The atrocities were committed for the most part while members of the TOZUKA command were engaged in ordering and planning punitive expeditions. Several witnesses identified TOZUKA as being present on these punitive expeditions and as the ranking officer in command of the troops. The fact that the expeditions occurred was admitted by defense witnesses and in its closing argument Defense Counsel agreed that the atrocities had been committed by members of the Imperial Japanese Army. The command of TOZUKA was admitted and responsibility was established by proof of widespread murders over a large geographical area from August 1943 to December 1944.

The theory of the accused's case was that he had exercised as much control as the rules of the Japanese Army and the tactical situation would permit; that his instructions had been not to kill or mistreat non-combatants and that he had no knowledge that any lawful killings occurred.

On 28 June 1946 the Commission found the accused guilty and sentenced him to death by hanging.

TRIAL OF TADASHI YOSHIDA, et al

41. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, met at Manila, Philippine Islands at 0830 hours on 17 June 1946 for the arraignment and trial of the case,

United States of America vs Tadashi YOSHIDA, Isamu MORI, Toshio NOZAKI, Shigenobu KUSHIBIKI, Shinpei WATANABE, Hisashi TANAKA, Iwao ISHISAKA, Conroku AKAGI and Suteo KOIDE.

The accused were all members of the Japanese Imperial Army, assigned in the Kempei-Tai at Cebu City, Cebu. All the accused in this case were charged with murder, looting, burning, raping and torturing of Filipino noncombatant civilians on Cebu Island during August 1944.

At the arraignment all of the accused entered the plea of "not guilty", stating that they were ready for immediate trial which began on the same day. After the arraignment and before commencement of trial, the prosecution withdrew "charges" and "specifications" against Corporal AKAJI, Conroku, without prejudice. The reason was that the evidence was insufficient to prove that AKAJI was connected in any way with this patrol or with the crime. The circumstances, as the prosecution established, were that all the accused on or about 19 August 1944, went as a group, together with other Filipino collaborators, to Cordova, Mactan Island, Cebu, to search for guerillas. Upon arrival at Cordova, the corraled the civilians into the school building, undressed all the women, abused them, tortured them and raped one of them. The men were brutally beaten and tortured and their bodies were burned. A similar situation was carried on with the women. Three Filipinos had been killed by this group without trial at the pleasure of the leader of the group who was sergeant Major Tadashi YOSHIDA. They returned to Cebu City sometime before noon on 20 August 1944.

The accused entered a defense on two theories: (a) alibi and (b) mistaken identity. The defense intro-

duced several alibi witnesses who were repatriated Japanese, but had been members of the same unit. The defense also introduced a Filipino collaborator who had been condemned to death by the People's Court as an alibi witness. The defense by way of attempting to prove "mistaken identity", tried to show through their witnesses that the witness for the prosecution made an identification through prejudice and bias, irrespective of true description of the persons responsible.

In rebuttal the prosecution established through witnesses new evidence to destroy the defense of alibi. These rebuttal witnesses were themselves actually at the scene of the crime.

On 1 July 1946 at 1400 the Military Commission found all of the accused guilty of the charge and specifications and pronounced the following sentences:

YOSHIDA, TANAKA, ISHISAKA -- Death by hanging
MORI -- Life
WATANABE, NOZAKI, KUSHIBIKI -- 25 years
KOIDE -- 5 years

Exceptions had been made as to certain accused, wherein the specifications and charges were amended by the Commission to show they were accessories before, after and during the crime involved.

TRIAL OF NORIYUKI OTSUKA AND TADATAKA KUWANO

42. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, for the trial of the case, the United States of America vs Noriyuki OTSUKA and Tadataka KUWANO, met at 0830 hours on 1 July 1946 at the High Commissioner's Residence, Manila, Philippines.

OTSUKA, formerly a second lieutenant of the Imperial Japanese Army, was assigned to duty on Panay Island in 1942, later becoming a member of the 37th Independent Infantry Security Battalion (commanded by Lt. Col.

Ryoichi TOZUKA, now under death sentence) which battalion later became the 170th Independent Infantry Security Battalion. He remained on Panay Island until surrender in September 1945.

KUWANO, formerly a sergeant major of the Imperial Japanese Army, was assigned to duty on Pany Island in 1942 with the same unit as OTSUKA and continued in that unit until surrender.

The accused were charged with torture, brutal mistreatment and unlawful killing of unarmed, non-combatant civilians on Panay Island, in violation of the laws of war.

Immediately after arraignment on 1 July 1946, the Prosecution began its case which included excerpts from the records in the cases of United States of America vs Takeshi KONO and United States of America vs Ryoichi TOZUKA together with the testimony of twelve witnesses. Statements of both accused were also received into evidence as was the testimony of the accused KUWANO from the KONO case. The witnesses were all present as victims or cargadors when the various specified incidents took place, the one exception being in the case of the killing of the American missionaries at Camp Hopevale, Tapaz, Capiz province. The atrocities occurred during the course of punitive expeditions which were planned combat operations and at a time when superior commanders were present. Most of the evidence offered in this case had been used in the KONO and TOZUKA cases.

Defense Counsel admitted the commission of the atrocities and the accused OTSUKA took the stand and admitted executing persons at most of the specified places. His was the only evidence offered by the Defense. The accused contended that all of the executions had occurred by direct order and that none of the killings took place upon the initiative of either of the accused.

On 6 July 1946, the Military Commission found the accused guilty and sentenced them as follows:

Noriyuki OTSUKA -- Death by hanging
Tadataka KUWANO -- Life imprisonment

TRIAL OF TOSHIMI KUMAI

43. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, for the trial of the case, the United States of America vs Toshimi KUMAI, met 0955 hours, 8 July 1946, at the High Commissioner's Residence, Manila, Philippine Islands.

KUMAI, formerly a first Lieutenant of the Imperial Japanese Army was assigned to duty on Panay Island in 1942, later became a member of the 37th Independent Infantry Security Battalion (commanded by Lt. Col. Ryoichi TOSUKA, now under death sentence), which battalion became the 170th Independent Infantry Security Battalion. He remained on Panay Island until surrender in September 1945. KUMAI was first an Ordnance Officer, during the time covered by the specifications was a patrol leader, and was later made Battalion Adjutant in which position he continued until the surrender.

The accused was charged with the torture, brutal mistreatment and unlawful killing of unarmed non-combatant civilians on Panay Island, in violation of the laws of war. He pleaded "not guilty."

Immediately after arraignment on 8 July 1946, the Prosecution began its case with the testimony of the witnesses on the two original specifications and the one added specification. Each of the two witnesses had been a caregiver on patrols led by KUMAI during the incidents upon which such witnesses testified. The atrocities occurred during the expeditions which were planned combat operations and at a time when superior commanders were in the immediate field. The evidence of one of the witnesses had been used in the KONO and TOZUKA cases, but the evidence of the other witness was new in this case. Neither of the Prosecution witnesses were able to

positively state that death had actually occurred to any of the victims of KUMAI although their testimony indicated circumstantial evidence of such killing.

The accused took the stand under oath and testified in regard to Specifications 1 and 2, but not in regard to the additional specification. He was cross-examined on Specifications 1 and 2 and asked as to his whereabouts at the time of the alleged incident under the additional specification. Two witnesses were introduced by the defense to bolster the story of the defense, that the interpreter under KUMAI had been punished for his part in Specification 1. The accused contended that the killing alleged in Specification 1 had been done entirely without his knowledge and that the torture alleged in Specification 2 had not occurred nor had the killings alleged in the additional specification. The defense emphasized lack of corpus delict due to the fact that neither the Prosecution witnesses would state positively that death occurred to any of the victims.

On 12 July 1946, the Military Commission found the accused guilty and sentenced him to be confined at hard labor for 25 years.

TRIAL OF BUNJI UNAI

44. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, met at Manila, Philippine Islands, at 0830 on 2 July 1946 for the arraignment and trial of the case, the United States of America vs Bunji UNAI.

The accused, Bunji UNAI, formerly a first lieutenant in the Imperial Japanese Army, was in command of the Bacolod, Negros Occidental Kempei Tai Unit from July 1944 until March 1945. The accused was charged with the torture, brutal mistreatment, and unlawful killing of unarmed,

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non-combatant Filipino civilians in Bacolod, Negros Occidental, in violation of the laws of war.

At the arraignment the accused pleaded "not guilty" to the charge and four specifications and stated that he was ready for immediate trial which thereupon began.

In proof of Specification No. 1, the Prosecution used two witnesses. One testified that he saw the victims in the Kempei Tai and he saw the (11) servants leave with shovels and members of the Kempei Tai, and that about an hour after their departure, the members of the Kempei Tai returned with the shovels but without the (11) servants. The second witness for the Prosecution testified that she was present when Lt. UNAI arrested the victims. She visited the victims in the Kempei Tai. Prosecution presented, as an exhibit, a signed confession by Lt. UNAI that he ordered the execution of the three named victims. A Nisei sergeant, member of the W. C. I. D. Interpretation and Translation Section, testified that he was present in Negros Island when Lt. UNAI made the confession to the American troops and that he translated the confession of Lt. UNAI.

In proof of Specification No. 2 the Prosecution used a businessman of Negros Island who was an eyewitness to the execution.

In proof of Specification No. 3 the Prosecution presented the widows of the three named victims who testified as to the arrest by the Kempei Tai and identification of the remains of their husbands, when the bodies were exhumed in Negros Island by War Crimes investigators. Two other witnesses testified that they were prisoners in the Kempei Tai with the other four victims. The Prosecution then presented a picture of the grave of DIMIAO and RAMIREZ clearly showing the seven bodies which were dug out from the mass grave

and not just the two victims to which he confessed to killing.

The Prosecution endeavored to prove Specification No. 4 by the testimony of each of the (11) victims mentioned in that Specification.

The Defense had as their witness Colonel Masakazu YAMAGUCHI, commanding officer, Negros Occidental. YAMAGUCHI's testimony was in the main reputed by cross-examination. The Defense did not permit the accused to take the stand, but submitted an unsworn statement of the accused. The Defense presented a motion for a Bill of Particulars which was denied.

On 9 July 1946 at 1400 hours, the Military Commission rendered its verdict of guilty to the charge and the four specifications and sentenced the accused to death by hanging.

TRIAL OF TOKIZO MAKITA AND HISAKI ITAI

45. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, met at 1330 hours, 5 July 1946, at the High Commissioner's Residence, Manila, Philippine Islands, for the arraignment and trial of Tokizo MAKITA and Hisaki ITAI.

MAKITA, formerly a sergeant major in the Imperial Japanese Army, arrived on Panay Island on March 1943. He was a member of the 170th Independent Infantry Battalion, until his surrender on Panay in September 1945.

ITAI, formerly a leading private in the Japanese Imperial Army, arrived on Panay Island in October 1942. He was also a member of the 170th Independent Infantry Battalion, until his surrender on Panay in September 1945.

The accused were charged with the murder of non-combatant Filipino civilians during the months of January, March, April and May 1944 at barrios surrounding

the municipality of Miagao, Iloilo, Panay Island. Both accused pleaded "not guilty" at the arraignment.

In proving its case the Prosecution used six eye-witnesses to the alleged murders and two witnesses who corroborated, in part, to the eye-witness accounts of the atrocities.

The accused admitted part of the atrocities but attempted to show superior orders as a defense. Their defense to the remaining specifications was that they were not present at the scenes of the alleged atrocities. They produced several alibi witnesses to substantiate their defense.

The accused, MAKITA, took the stand as a witness in his own behalf while the accused, ITAI, did not take the stand.

The Military Commission rendered its verdict at 0830 hours on 15 July 1946. Both accused were found guilty as charged, with minor changes in the specifications, and sentenced to death by hanging.

TRIAL OF FUSATARO SHIN

46. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, for the trial of the case, the United States of America vs Fusataro SHIN, met at 0830 on 16 July 1946, at the High Commissioner's Residence in Manila, Philippine Islands, for the arraignment and trial of said case.

SHIN, 39 years old, formerly a Warrant Officer in the Imperial Japanese Army, was assigned to Panay Island 28 January 1943 and remained there until his surrender in September 1945. He was second in command of the Kempei Tai on Panay Island, with headquarters in Iloilo City. The accused, together with others members of the Imperial Japanese Army, was charged with the unlawful killing of

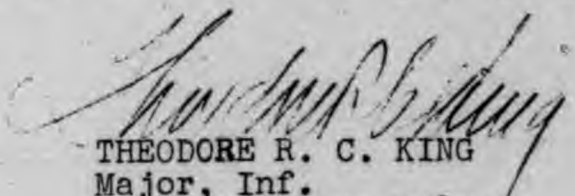
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approximately (185) non-combatants, Filipino civilians, during the month of September 1943.

The accused entered a plea of "not guilty" to the charge and specifications. The Prosecution supported its four Specifications to the Charge with the testimony of two witnesses. The first witness proved the atrocities alleged in Specification #1; the second witness proved the atrocities alleged in Specifications 2, 3 and 4. No proof was offered to support the Additional Specification to the Charge.

The defendant took the stand in his own defense and denied his participation in any of the alleged atrocities but admitted being present at the scenes of the alleged atrocities. Defense Counsel in its closing argument brought up the defense of superior orders.

On 18 July 1946 the Military Commission found the accused guilty and sentenced him to death by hanging.


THEODORE R. C. KING
Major, Inf.
Administrative Officer

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 11

AUGUST 1946

STATISTICS & REPORTS

1

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 11
August 1946

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JAPAN

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PHILIPPINES

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Part III

Summary of Activities of the
LEGAL SECTION
for the First Year of the
Occupation of Japan

Part I

Japan

LEGAL ACTIVITIES

Military Occupation Courts

1. A statistical summary of the work accomplished in Occupation Courts has been submitted by the Eighth Army. The report covers the period of 21 June to 20 July. During this period a total of 1309 cases have been tried in Occupation Courts. Of the total cases tried 1221 were verdicts of guilty and 88 not guilty.

2. A representative of a Staff Section of this Headquarters requested an examination of statistics pertaining to Occupation Courts for the purpose of determining the method in which court records were kept concerning cases of illegal possession of weapons. He was referred to the Statistics and Reports Section of this Headquarters after arrangements were made by this Section for him to examine the records there.

3. A conference was held with representatives of the Japanese Ministry of Justice on the question of Military Occupation Courts. The Japanese representatives were especially interested in the problem of trying Koreans for illegal entry into Japan after they had been repatriated. The Ministry of Justice officials were informed by this Section that the Provost Courts had the jurisdiction to try such cases.

Japanese Government Property

4. The Office of the Civilian Property Custodian forwarded a request to this Section for a legal opinion on the question of whether platinum owned by a Japanese Governmental Agency in Korea and subsequently transferred to Japan vested in the Korean Military Government pursuant to Vesting Decree #30, United States Army Military Government in Korea, 6 December 1945. This Section stated as its opinion that in order for the property to vest in the Korean Military Govern-

ment it was necessary that it be located within the jurisdiction of Korea under the terms of the decree. However, the platinum in question was transferred about six months prior to the issuance of the decree and therefore could not vest. The property belongs to the Imperial Japanese Government and is blocked by virtue of directives issued in Japan.

5. A Staff Section of this Headquarters requested advice as to what court held jurisdiction over a claim presented by a German National against the Japanese Government. This Section advised the requesting agency that this matter is under the jurisdiction of Japanese courts.

Use of Military Titles

6. In reply to a request of a Staff Section of this Headquarters, this Section rendered an opinion to the effect that any former Army officers on terminal leave who were at present employed as civilians in Japan by the War Department may not use their military title on official business while acting as civilian employees.

Court Martials

7. The Judge Advocate's Office in a request to this Section asked an opinion as to whether or not members of the Armed Forces tried for desertion during the time of war would lose their citizenship. This office in its reply said that such would be the case.

Status of Koreans and Formosans

8. A conference was held with representatives of this Section and the Diplomatic Section on the question of the status of Koreans and Formosans. It was pointed out that under existing directives the Koreans and Formosa-Chinese were not United Nations Nationals and that the Japanese courts have jurisdiction to arrest and try Koreans and Formosans subject to review by the Supreme Commander.

Korean Nationals

9. A telephone conference with a legal member of a Military Government Company in Japan was held on the problem of disposing of thirty-four Koreans who had entered Japan illegally. This Section informed the Military Government Company that according to information received from the Eighth Army Military Government, Repatriation Section, that these Koreans who had illegally entered Japan should be sent under guard to Sasebo where they will be accepted for return to Korea and ultimate punishment by the Korean Government.

Collection of Fines from Koreans

10. By a directive of this Headquarters SCAPIN 973, dated 21 May 1946, the Japanese Government was directed to apprehend 11 Japanese and to collect from each of them the sum of 21,717.27 Yen, representing the unpaid balance of fines assessed against them by a Military Court in Korea. On 20 June 1946, the Imperial Japanese Government reported to the Supreme Commander of Allied Powers that seven of the named individuals had paid the prescribed fines and the specified amounts had been credited to the Military Government in Korea. A Check Sheet was prepared to the Chief of Staff containing the above information and the proposed letter to the American Military Government in Korea advising it of the facts. The Imperial Japanese Government's report was forwarded to the Office of the Civil Property Custodian for information.

Personal Problems

11. This Section was asked to render an opinion on whether it is possible for a U. S. Army officer to adopt a Japanese child. The U. S. Army officer was advised by this Section that because of U. S. Immigration laws and the Statutes relating to adoption in various states this could not be done in Japan, nor could the child be taken to the United States.

Citizenship

12. A Philippine National who was a former member of the U. S. Army and is now attempting to obtain United States citizenship was advised that he should contact the Diplomatic Section.

INVESTIGATION OF WAR CRIMINALS

JAPAN

13. During the period 25 July - 24 Aug 1946 the Investigation Division has completed numerous investigations, many of which have been reduced to written statements.

14. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 July	Cases Received 25 July- 24 August	Cases Completed 25 July- 24 August	Cases on hand 24 August
POW Camp Conditions	2	2	2	2
POW Camp Atrocities	76	13	11	78
B-29 Fliers	171	14	10	175
POW Ship	47	-	-	47
Kempei tai International Police	24	-	3	21
Miscellaneous	<u>185</u>	<u>63</u>	<u>21</u>	<u>227</u>
Total	505	92	47	550

APPREHENSION OF SUSPECTED WAR CRIMINALS

JAPAN

15. During the period 25 July - 24 August 1946, four memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 12 persons charged with war crimes.

ORDERS FOR APPREHENSION

<u>Date & File Number</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (29 July 46)	1091	1 Army Enlisted Man 1 Civilian
AG 000.5 (9 Aug 46)	1117	1 Army Officer
AG 000.5 (16 Aug 46)	1140	1 Army Officer 1 Army Enlisted Man

16. One memorandum was issued during the period ordering the deletion of two persons from an apprehension memorandum previously issued.

AG 000.5 (1 Aug 46)	1097	1 Navy Officer 1 Civilian
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17. The Imperial Japanese Government in a directive AG 000.5 (18 Aug 46) LS (SCAPIN 2015-A) was ordered to explain an erroneous report submitted to this Headquarters by the Liaison Committee.

18. By memorandum AG 000.5 (7 Aug 46) LS (SCAPIN 1940-A) the Imperial Japanese Government received notification of the deaths of 16 Japanese war criminals.

19. By memorandum AG 000.5 (3 Aug 46) LS (SCAPIN 1099) and AG 000.5 (7 Aug 46) LS (SCAPIN 1109) the Imperial Japanese Government was notified of the results of war crimes trials in Yokohama, Manila, and Singapore, against 42 Japanese war criminals.

20. On request of this Section, 41 suspects were interned in Sugamo Prison during the period 25 July - 24 Aug 1946. At the present time there are 766 persons interned in Sugamo Prison.

PROSECUTION OF WAR CRIMINALS

JAPAN

21. During the period 25 July - 24 August 1946, two trials have been completed. At the close of this period four trials were still in session. In addition to those tried, 12 cases have been forwarded to the Eighth Army for trial.

At the present time there are 311 cases in various stages of preparation and 72 more prospective cases.

22. Statistics concerning the war crims trials held in Yokohama are as follows: to date 78 defendants have been tried, 74 have been found guilty and 4 not guilty. Six of the 74 found guilty have been given the death sentence. Two death sentences have been executed, 2 have been confirmed and are awaiting execution, and the other 2 are awaiting confirmation. The remaining 68 war criminals found guilty were sentenced to terms ranging from 1 year to life imprisonment.

23. Statistics of war crimes completed in Japan.

	<u>DEFENDANT</u>	<u>OFF. CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
	(WATANABE, Sadao	POW Guard	Civilian	26 July	30 years imp.
	(ASARI, Eiiji	POW Admin.	Sergeant	9 Aug	at Hard labor
	(TAKESHITA, Toshio	POW Guard	Civilian		25 years imp.
1.	(NISHIOKA, Shigeru	POW Guard	Civilian		at hard labor
	(HIRANO, Yoshimi	Employee Mitsui Min.Co.	Civilian		15 years imp.
	(HOSOTANI, Yuhei	Exec.Off.	Captain	1 July	at hard labor
	(SAITO, Hiromu	Camp Med.Officer	1st Lieut.	31 July	Life
	(KOHAYSHI, Yasuo	Interpreter	Civilian		40 years imp.
2.	(HASHIMOTO, Shigeo	POW Guard	Civilian		at hard labor
	(HARA, Makichi	POW Guard	Civilian		10 years imp.
					at hard labor
					1 year imp.
					at hard labor

Trial of Sadao WATANABE, et al.

24. The court hearing the case of the U. S. vs Sadao Watanabe and four others was convened in Yokohama District Courthouse on 26 July by the order of the Commanding General of the Eighth Army.

Four of the accused were members of the personnel of the Hakodate 1st Branch Prisoner of War Camp, Muroran Hokkaido, Japan. The fifth accused was formerly a civilian employee at the Mitsui Mining Camp, a

concern employing prisoners of war of the Hakodate 1st Branch Camp.

All five accused were charged with administering severe and brutal beatings and other cruel and brutal acts and offenses in violation of the laws and customs of war.

Trial of Yuhei HOSOTANI, et al.

25. By order of the Commanding General Eighth Army a commission convened at the Yokohama District Courthouse to hear the case of the U. S. vs Yuhei HOSOTANI and four others.

All five accused were formerly members of the personnel at the Hiroshima Prisoner of War Camp, Branch #1 in Zentsuji, Shikoku, Japan. HOSOTANI, executive officer and later commanding officer of the Hiroshima Camp, was charged with failing to discharge his duties as camp commander, failing to provide adequate food and medical treatment to sick prisoners of war, and with contributing to the death of several prisoners interned in the Hiroshima Camp.

Hiromu SAITO was charged, as medical officer at the Hiroshima Camp, with withholding medical supplies and with failing to provide adequate food thereby contributing to the death of several prisoners. It was also charged that SAITO abused, tortured, and mistreated numerous prisoners of war interned at the Hiroshima Camp.

The other three accused were charged with beating and mistreating numerous prisoners of war interned at the Hiroshima Prisoner of War Camp.

A new ruling in this case was to the effect that the accused HOSOTANI was charged with the responsibility of many crimes at this camp committed during the period when he was executive officer. This was based on the affidavits of many former prisoners of war who stated that HOSOTANI actually operated the camp although not designated on orders as commanding officer. The Commission however specifically ruled that it would not hold a subordinate officer liable under the

doctrine of command responsible. HOSOTANI was therefore convicted only as to the period of time when he was officially on orders as camp commander.

AUSTRALIAN DIVISION

Investigation

26. Since the arrival of this Division in March 1946, 71 interrogations of Japanese suspected of War Crimes against Australian and Allied personnel, have been completed. The information thus gained and the 496 affidavits received from Australians are made available as required to the Prosecution Division.

27. An Australian soldier formerly a PW in Japan was brought to Tokyo during the month for the purpose of identifying two Japanese at present being detained in Sugamo Prison. This will enable the Prosecution to proceed with preparation of Charges and Specifications against these suspected War Criminals. These Japanese are also wanted in connection with the murder of an Australian PW in the Fukuoka Area.

Three other Australian soldiers formerly PW in Japan, have been traced and made available, to proceed to Tokyo for the purpose of identifying suspected War Criminals.

Apprehension

28. To date, in addition to the 1462 Japanese suspects named in the six Lists prepared at Australian Army Headquarters, the Australian Division has requested the apprehension of 33 Japanese War Criminals. Among those apprehended in consequence of these representations, and at present in Sugamo Prison are:

IWANUMA Tsuguo Sgt Maj

Alleged to have killed an Australian PW who escaped from a PW Camp in the Fukuoka Area; and

OZAKI Norihiko Lt Comd

Wanted in connection with the deaths of over 500 British Commonwealth PW on Ballale Island in the Solomons.

A number of Japanese apprehended in Japan have since been transferred to the Australian authorities and moved to Australia for trial.

29. Japanese suspected of war crimes, or believe to be in possession of information concerning crimes, such as the execution of Australian officials, civilians, Allied prisoners of war, and natives in New Guinea, Ballale Island (Solomons) Nauru Island, Timor, Ambon, Java, Sumatra, Malaya, Burma, Thailand, Borneo, French Indo China, and Hainan Island, and also Japanese suspected of war crimes against Australian prisoners of war in Japan and Korea, have been interrogated.

Many important confessions and affidavits have been secured, as a result of which it is contemplated that a further number of the suspects already in Sugamo Prison will be transferred to the Australian, British or Dutch authorities for trial.

Prosecution

30. To date the Australian Division has not completed a trial, but the largest common trial yet to be heard in Japan, is at present being conducted at Yokohama, with a member of the Australian Division as Chief Prosecutor assisted by a Prosecutor of the United States Army. This case concerning 13 Japanese, charged with atrocities against Australian and Dutch PW at Yamane and Niihama PW Camps, commenced on 21 June 1946.

A further series of cases is being prepared by the Australian Division concerning atrocities alleged to have been perpetrated at Naoetsu PW Camp (No. 4B Tokyo Area). Five accused are involved in one common trial, and two accused will be tried separately, also three other accused will be included if apprehended in time.

BRITISH DIVISION

31. Since joining the Legal Section 29 April 1946, this Division, with representatives in the Investigation Division, has completed to date 170 interrogations which resulted in 110 signed statements. During this period members of the Division have secured 51 affidavits direct from British liberated prisoners of war. On behalf of Legal Section, Supreme Commander for the Allied Powers, 258 affidavits have been requested from ex-Prisoners of War in England, South East Asia Command and other British Military Commands. Of these 103 have been received together with 17 advance radio summaries. A total of 577 affidavits, 5 diaries and 116 completed interrogation forms are held by this Division.

Apprehension

32. On behalf of General Headquarters, Supreme Commander for the Allied Powers, this Division, in its liaison function to British Commands, has requested on behalf of General Headquarters, Supreme Commander for the Allied Powers, the apprehension of nine Japanese suspected war criminals residing in areas under British Control. The arrest of 11 additional Japanese suspected war criminals has been requested. These men will be tried in Japan in cases which concern British Prisoners of War in Japan. This Division has also requested the apprehension of 344 suspected war criminals who will be tried for war crimes committed in areas outside Japan. Of these latter, twenty suspects have already been shipped to South East Asia Command while a further thirty-two are awaiting shipment.

Prosecution

33. At the present time 26 cases in which United Kingdom Prisoners of War were directly concerned as victims have already been tried. Ten cases more against Japanese accused of war crimes are complete and ready for trial. In these 36 cases 105 British Prisoners of War are specifically named as victims of atrocities

perpetrated against them by the accused.

One live witness has been obtained from the United Kingdom to testify in person and is at present in Tokyo. One further witness is now enroute to Tokyo at the request of this Division.

CANADIAN DIVISION

34. Since this Division joined the Legal Section in April, written evidence and live witnesses have been secured for the prosecution of suspected war criminals in Japan. The evidence and witnesses were brought from Canada. In cases where further evidence is needed, requests are sent to Canada or the United Kingdom and depositions to support those already on hand are forwarded to Tokyo.

Apprehension

35. Several requests for the apprehension of war criminals have been received from Canadian Headquarters. These requests in addition to the requests made by this Division in Tokyo have been forwarded to the proper authorities. One of the obstacles which has confronted this Division has been in ordering the apprehension of Japanese suspected war criminals. The difficulty has been due to the fact that many times the affiant has referred to the subject person by his nickname only. In many cases the desired person's name is unknown. It then is necessary to make exhaustive inquiries to identify the person charged as being a war criminal.

Prosecution

36. There have been 21 cases forwarded to the Prosecution Division, Legal Section, for final draft and approval. At the present time a member of this Division is engaged as assistant prosecutor in a case in session at Yokohama.

CHINESE DIVISION

37. Since joining the Legal Section 11 July 1946, this Division has spent most of the time in preparative work in order to learn the

necessary regulations for war criminal trial procedures and the general situation as a whole. Due to the insufficient members of this Division and shortage of communication, only the following information may be reported at this time.

Investigations

38. Investigations have been made against three Japanese suspected as war criminals who are alleged to have massacred Chinese women, mistreated or beat Chinese Prisoners of War and forced Chinese Prisoners of War to hard labor without being given sufficient food and necessary medical care.

Apprehension

39. On behalf of the Chinese Government, this Division in its liaison function to General Headquarters, Supreme Commander for the Allied Powers, has requested the transfer of two important war criminals, General ISOGAI, Ionsuke and General TANI, Sushio from Sugamo prison, Japan, to Nanking, China for military court trial. This request has been complied with and the two accused are now in China awaiting trial.

Prosecution

40. At the present time two cases against Japanese accused of war crimes have been completed and are ready for trial, another is now in preparation for trial. Twenty-three live witnesses are at present in Tokyo and will testify in future cases.

Part II

Philippines

INVESTIGATION OF WAR CRIMINALS

Philippines

41. During the current period, 20 July 1946 - 20 August 1946, four cases were completed and forwarded to the Prosecution Division for final action. The total number of completed investigation cases at the present time is 345, 12 of which have not yet been reviewed and forwarded to the Prosecution Division. At the present time six major cases and several minor cases are under investigation, the latter including re-interrogation of some former prisoners of war. One investigation case was turned over to the Peoples Court of the Philippines, as the crime committed was perpetrated by collaborators rather than by Japanese.

42. The FS/208, a small Army transport boat, assigned to this office made a trip to Cebu, Iloilo and Negros Islands for the purpose of returning 40 witnesses from Manila to their homes. An investigation team proceeded to Cebu on this trip, where they conducted additional investigations on two cases ready for trial. Twenty-four witnesses were brought to Manila on the boat's return.

APPREHENSION OF WAR CRIMINALS

Philippines

43. As of 20 August 1946 there were 678 Japanese prisoners of war detained in the Philippines for war crimes activities. Of this total figure 525 are identified as war criminals, 137 are suspected war criminals and 16 are being held as witnesses. Of the 525 identified war criminals, 409 remain to be tried and 119 have already been convicted.

44. Screening of all detained Japanese prisoners of war on Luzon has been completed during the period of this report. Two hundred nineteen Japanese prisoners of war were screened, either by routine interview or by the checking of rosters against files of

wanted perpetrators. Of the total number screened 215 were cleared for repatriation to Japan, the balance were detained, either as identified perpetrators or as witnesses. There were eight Japanese cleared as the request of other divisions due to insufficient evidence or lack of proper witnesses.

45. During the past month four suspected war criminals were transferred from Sugamo Prison, Japan, to Manila where they are to be tried. At the present time 19 suspected war criminals are held in Sugamo Prison for the Manila Office. Requests have been made by other Divisions this period for the apprehension of 56 more suspected war criminals.

PROSECUTION OF WAR CRIMINALS

Philippines

46. Six trials were completed during the period 20 July 1946-20 August 1946. One of these cases involved two defendants and the remaining five one each. One case was referred to the Commanding General, United States Army Forces, Western Pacific, for trial. Two additional trials were started during the current period, but were not completed at the close of this period. Nine new cases were assigned to prosecutors and are in the process of being prepared for trial. There are approximately 290 additional prospective cases.

47. A note of interest evolves from the case of Morio MATSUZAKI, who was convicted before a military commission on the 5th day of August and sentenced to five years imprisonment at hard labor. MATSUZAKI was a Sergeant in the Imperial Japanese Army, serving under Lt Col TOZUKA on Panay Island. MATSUZAKI allegedly participated in the unlawful killing and mistreatment of numerous Filipino civilians. However, the specifications charging unlawful killing were deleted due to insufficient and contrary evidence. Prior to the trial a great many Filipino civilians, some actually victims of

the Panay Island atrocities, requested leniency be extended to the accused because of his kindness to them on the island.

48. The following is a summary of the results of the war crimes trials in the Philippines from the first trial through 20 August:

- (a) Total number of persons tried122
- (b) Total number of persons convicted119
- (c) Total number of death sentences 60
- (d) Total number of persons actually executed... 31

The following shows the results of war crimes trials completed in the Philippines during the period 20 July 1946 - 20 August 1946:

DEFENDANT	OFF.CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. (Tomizo HIRAKAWA Shiro KAJIYAMA	Member Kempei Tai Interpreter	Sgt/Maj Civ	15 July 26 July	death, hanging death, hanging
2. Chiyomi TOYOTA	Ptn Ldr Tosuka Bn.	1st Lt	20 July 31 July	25 yrs imp hard labor
3. Masafuji HAMAMOTO	Member 37th Ind Inf Bn	Sgt	22 July 19 Aug	life imp
4. Hajime FUJII	Member 37th Ind Inf Bn	1st Lt	27 July 29 July	death by hanging
5. Jiro MOTOKI	Adj 170th Ind Inf Bn	Capt	29 July	life imp
6. Morio MATSUZAKI	Member 37th Ind Inf Bn	Sgt	5 Aug	5 yrs imp hard labor

Trial of Tomizo HIRAKAWA and Shiro KAJIYAMA

49. A Military Commission convened by the Commanding General, United States Army Forces, Western Pacific, met at the High Commissioner's Residence, Manila, P. I., at 0830 hours, 15 July 1946, for the arraignment and trial of the case, United States of America vs Tomizo HIRAKAWA and Shiro KAJIYAMA.

At the arraignment both of the accused entered pleas of not guilty to the charge and specifications. At the time of the offense Tomino HIRAKAWA was a Sgt Major in the Imperial Japanese Army and

Shiro KAJIYAMA was a civilian interpreter attached to the Army. The accused, members of the Kepei Tai Unit stationed at Bacolod, Negros Occidental, were charged jointly with unlawful killing of unarmed, noncombatant Filipino civilians, and separately with torturing unarmed, noncombatant Filipino civilians.

The testimony of four eye-witnesses was used to prove the first specification which charged the defendants with unlawful killing of a Filipino civilian. The other specifications with the exception of number 4, were proven by the prosecution by placing the victims of torture and mistreatment on the stand and obtaining their testimony.

On 26 July 1946 the Commission rendered its verdict of guilty and both of the accused were sentenced to death by hanging.

Trial of Chiyomi TOYOTA

50. The Commission appointed for the trial of Chiyomi TOYOTA met at 0830, 20 July 1946 at the High Commissioner's Residence, Manila, for the arraignment and trial of said accused. At the arraignment the accused pleaded not guilty.

TOYOTA, 29 years old was formerly a 1st Lieutenant in the Imperial Japanese Army and was assigned to Panay Island in October 1942 and remained there until his surrender in September 1945. During September 1943, he accompanied the Tozuka Battalion of the Kono Brigade as a platoon leader in the Fujii Company on a punitive expedition through the eastern part of Panay Island. It was while on this expedition that the accused allegedly committed atrocities resulting in the charge against him.

The Prosecution did not ask for the death sentence in its closing argument but asked the Commission to consider superior orders in mitigation of punishment due the accused.

On 31 July 1946, the three-man Commission found the accused

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On 31 July 1946, the three-man Commission found the accused

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guilty on the 1st Specification and not guilty on the 2nd, 3rd, and 4th Specifications and sentenced the accused to 25 years at hard labor.

Trial of Masafuji HAMAMOTO

51. A Military Commission appointed for the trial of Masafuji HAMAMOTO met 22 July 1946 at the High Commissioner's Residence, Manila.

HAMAMOTO, formerly a sergeant of the Imperial Japanese Army, was a member of the 37th Independent Infantry Security Battalion (commanded by Lt Col Ryoichi TOZUKA, now under death sentence) which battalion became the 170th Independent Infantry Security Battalion. During the time from May to October 1944 he was the highest ranking Japanese soldier on Guimaras Island.

HAMAMOTO was charged with the torture, brutal mistreatment and unlawful killing of some twenty unarmed, noncombatant civilians on Guimaras Island, in violation of the laws of war. At the arraignment the accused pleaded not guilty to the charge and specifications.

On 19 August 1946, the Military Commission rendered the verdict of guilty and the accused was sentenced to life imprisonment at hard labor.

Trial of Hajime FUJII

52. A Military Commission appointed by the Commanding General, United States Army Forces, Western Pacific, met for the trial of Hajime FUJII 27 July 1946 at the High Commissioner's Residence, Manila, P. I.

FUJII, formerly a 1st lieutenant of the Imperial Japanese Army, was assigned to duty on Panay Island in 1942, later became a member of the 37th Independent Infantry Security Battalion (commanded by Lt Col Ryoichi TOZUKA, now under death sentence) which battalion became the 170th Independent Infantry Security Battalion. He remained on

charged in specification 1 with permitting soldiers under his command to torture eight Filipino civilians as a consequence of which two of them died, and with making an unlawful order of execution of the remaining six. He was charged in specification 2 with the killing of four Filipino boys. Both of these crimes were alleged to have been committed on Panay Island. At the arraignment and prior to the plea of the accused, specification 1 was corrected on motion of the Prosecutor, as to time, from "in or about the month of April 1943" to "in or about the month of June 1944." The accused entered a plea of not guilty and through his counsel stated that he was ready for trial.

On 6 August 1946, the Military Commission rendered its verdict of guilty and the accused was sentenced to life imprisonment at hard labor.

Trial of Morio MATSUZAKI

54. A Military Commission appointed for the trial of the case, the United States of America vs Morio MATSUZAKI, met at 0830 hours, 5 August 1946, Manila, P. I.

MATSUZAKI, formerly a sergeant in the Imperial Japanese Army, was assigned to duty on Panay Island in October 1942 and remained there until the surrender in September 1945. He became a member of the 37th Independent Infantry Security Battalion commanded by Lt Col Ryoichi TOZUKA (now under death sentence) which battalion later became the 170th Independent Infantry Security Battalion. This battalion was part of the 31st Independent Mixed Brigade commanded by Lt. Gen Takeshi KONO (now under death sentence).

The accused was charged with violations of the laws of war. Originally there were eight specifications to the charge, including unlawful killing, torture and brutal mistreatment. Later, it was found the unlawful killing could not be supported due to improper identification by the witnesses and also because witnesses who saw

him present when the atrocities were committed, nevertheless, did not see the accused actually kill anyone. A large number of Filipino civilians, some of whom were victims of Japanese atrocities and others whose friends and families were victims of said atrocities, asked that leniency be extended to the accused due to his kindness to them and to others.

During the arraignment of the accused, he entered a plea of guilty to the remaining specifications and to the charge, whereupon the Prosecutor, after stating the above facts, recommended a sentence not to exceed five years imprisonment at hard labor.

On 5 August 1946, the Commission found the accused guilty and sentenced him to five years imprisonment at hard labor.

Part III

Summary of Activities of the

LEGAL SECTION

for the First Year of the
Occupation of Japan

LEGAL SECTION

The following summary is a short history of the activities covered by the Legal Section during the first year of the occupation of Japan.

The Legal Section was activated on 2 October 1945 by order of the Supreme Commander for the Allied Powers. This Section was designated as the Special Staff Section of General Headquarters to advise the Supreme Commander for the Allied Powers on legal matters of a general nature, on general policies and procedures in respect to war criminals, and prosecution of war criminals.

The Legal Section was given the responsibility of prosecuting Class B and C war criminals. The terms B and C war criminals are defined as follows: Class B criminals are those who violated the laws and customs of war. Such violations included murder or ill treatment of prisoners of war, internees, or any other persons including civilian populations, the plunder of private property, and the destruction of cities and towns not required by military necessity. The Class C criminals were those who were alleged to have committed murder, exterminated groups of people, civilian or military, and enslaving populations and persecuting persons because of their nationality or religious beliefs. These are the type criminals who are now being prosecuted by the Legal Section in Yokohama and Manila.

The Legal Section is divided into four main divisions, Law, Investigation, Criminal Registry, and Prosecution.

Law Division

The Law Division has as its main function the responsibility of advising the Supreme Commander on legal matters of a general nature, on policies and procedures with respect to war crimes, and the prosecution of war criminals. The Law Division renders legal service and advice to all sections of General Headquarters which do not have legal specialists, it conducts legal research,

prepares and edits opinions on all legal matters including those related to Occupational, International, Japanese, Korean, military and general law. Its job includes preparation and editing of drafts of proposed directives, circulars, and kindred materials. It also coordinates and advises on legal questions in connection with the investigation, apprehension, and prosecution of war criminals.

One of the more outstanding accomplishments of the Law Division this year has been the establishment of Military Occupation Courts. These Courts were established by a Directive of this Headquarters 19 February 1946. The Courts give jurisdiction over criminal offenses against the Occupational Forces. Adjustments were made in the plan of the organization of the courts in accordance with directives concerning the exercise of criminal jurisdiction over United Nations Nationals with the delegation of authority to the Eighth Army to establish the occupation courts. A directive was issued to the Japanese Government depriving it of jurisdiction over the offenses to be triable only in the occupation courts.

The Japanese courts were permitted to exercise jurisdiction over acts prejudicial to the occupation insofar as such acts constituted violations of Japanese law, with the reservation that the occupation courts could always assume jurisdiction over such acts. Advice has been rendered upon many occasions to the Eighth Army for military government units operating occupation courts and divisions operating such courts, concerning the interpretation of various portions of the latter order creating the courts. Similarly, many conferences were held with the representatives of the Central Liaison Office and the Ministry of Justice concerning the directive limiting Japanese criminal jurisdiction and concerning the operation of the occupation courts. Continued conferences held with the Eighth Army and various subordinate commands operating provost courts, with respect to the improvement and simplification of the administration of the courts. A system of statistical

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reports has been set up and, after sufficient time has elapsed, recommendation will be made for the revision of the courts' administration.

Two inspection trips were made by members of this Division to observe the occupation courts' actual operation. Conferences were held with the various provost judges and judge advocates who control the operation of these courts, and a record made of suggestions for improvement and simplification of operation.

Some of the more important opinions rendered during this year to the various Staff Sections of this Headquarters and other Divisions of the Legal Section were as follows:

Opinions were provided to the Divisions of the Legal Section and the War Crimes Branch of the Judge Advocate's Section of the United States Army Forces, Pacific, concerning legal questions arising from the trial of General Yamashita and the impending trials of other war criminals.

This Section also rendered advice and opinions on the drafting of directives to the Imperial Japanese Government covering such matters as the settlement of claims of Allied Nationals against the Imperial Japanese Government, the limitation of action in Japanese courts and the elimination of unfair practices in Japanese courts. It also rendered its interpretation of the Japanese Criminal Code and Patent Laws.

A brief was prepared as to the legal status of Korea; the nature and seat of sovereignty in Korea; the proper method of charging cost of dependent housing in Korea.

Several studies were made on problems of marriage involving United States citizens and Japanese Nationals. This required examination of Japanese and United States substantive law and Conflict of Laws.

Legal advice and assistance was a constant service rendered by this Division to military personnel of this Headquarters concerning legal matters including such problems as marriage, divorce,

naturalization, powers of attorney, wills, and income tax.

Investigation Division

With the activation of the Legal Section, the primary need before any prosecutions could be taken was to determine the facts concerning the treatment of American Prisoners of War held captive by the Armed Forces of Japan between 7 December 1941 and 15 August 1945. The answer to this problem was the creation of the Investigation Division.

The Investigation Division was set up to investigate atrocities and any other matters pertaining to war crimes. It is the function of the investigators to develop information and evidence for use by the Prosecution Division in the prosecution of perpetrators of atrocities. In cases where evidence is in hand, the investigators of this Division assist in detailed development of this evidence for use as trial material. The greatest obstacle at the time of inception of this Division is the lack of trained investigators. This has not as yet been entirely overcome but has been remedied in part by the organization of a school of instruction which all investigators are required to attend and the use of "on the job training" by assigning newly appointed investigators to work as part of a "team" with older and more experienced officers.

The first major undertaking was the conducting of a survey of the actual physical conditions of the 120 Prisoner of War Camps within the four home islands of Japan. These surveys were the basic springboard from which prosecutions are initiated.

From among the personnel of the camps, the most flagrant violators of the rules of land warfare were selected and made the subject of special investigation. The collateral investigation made here in Japan was coupled with the affidavits submitted by former Prisoners of War to complete the story on which the charges against war crimes might be drawn by the Prosecution Division.

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A special squad was organized to gather evidence against the Kempei Tai and the story of the brutal treatment of prisoners by that organization has been developed. The work of this squad has been closely coordinated with both AG Casualty Branch and the Graves Registration, many bodies of American soldiers who otherwise would have lain in an unmarked grave have been recovered through the information developed by this squad. In one instance, a stream had been diverted to form a lake over the graves of a number of aviators who had been murdered by the Kempei Tai. This was discovered through the efforts of this special squad and the bodies of the victims recovered and the identity of the murderers established.

Another special squad was organized to inquire into the activities of the Prisoner of War Information Bureau. This investigation definitely established the fact that the orders for brutal and inhumane treatment of prisoners was passed down from cabinet level. The details of these orders have been ascertained and the persons responsible for their issuance identified. This investigation has been completed and referred to the Prosecution Division for trial.

Another special squad was organized for the purpose of determining the identity of the individuals responsible for the commission of atrocities on prison ships. This squad has completed several ship cases and is still making inquiries into incompleting cases.

In order to facilitate the investigation of cases, branch offices have been opened at Sapporo, Osaka and Fukuoka and "resident agencies" at Hiroshima, Nagoya, Niigata, and Sendai.

At the present time, every plane that crashed during the war is being investigated, for the purpose of determining if there were survivors and if so, the nature of the treatment they received.

In addition thereto, this Division conducts interrogations of witnesses, locates and apprehends individuals on the request of the Manila Office of Legal Section and also upon the request of the

Commander Marianas, when such requested action lies within the home islands of Japan.

Oneprecedent was definitely established when Col. KAMINO, intentionally withheld information from members of the Investigation Division, and furnished them with false official information on another occasion; he was taken before a Provost Court and charged with obstructing the operation of the occupational forces, convicted and sentenced to one year confinement at hard labor and to pay a fine of five thousand yen. At the time of the commission of his offense, KAMINO was an official of the First Demobilization Ministry and maintained a private office in the Palace Grounds.

Criminal Registry and Liaison Division

Upon activation the Liaison Division was faced with the problems of how best to organize and establish a system whereby its activities could be governed in the future. To arrive at any decision it was necessary to contact personally many agencies in this Headquarters including representatives of Allied Governments and of the Japanese Government.

Problems facing this Division at this time were how best to locate and secure Japanese witnesses. This was solved with great success by utilizing the facilities of Japanese Liaison G-2. The next problem was how best to secure statements and affidavits from former prisoners of war now scattered throughout the world. Statements and affidavits have been secured from liberated persons who had returned to their homes in many different parts of the world. This was accomplished either by official communications or informal requests to members of Allied Nations. With the incarceration of Japanese suspected prisoners of war in Sugamo Prison, the problem arose of granting passes to relatives of these persons interned. It was decided that each person would be allowed to have one visitor each month.

The next big problem was how best to effect the transfer of witnesses in Japan to various places in the Pacific Theater where

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war crimes trials were to take place. Witnesses have been transported to many places in the Pacific including Sidney, Australia; Manila; Hong Kong; Singapore; Shanghai; and Guam by air without difficulty. They were accompanied by a member of the armed forces as escort.

The Liaison Division has also made arrangements whereby Japanese lawyers may be transported to various places outside Japan where war crimes trials are being held. Arrangements have been made for their transportation and pay during their absence from Japan.

The Records and Files Branch of the Criminal Registry Division upon activation was faced with the tremendous problem of accurately collating all incoming information concerning war crimes and atrocities and correctly filing and cross-indexing this material for the efficient ready use by the various Divisions within the Legal Section. This problem was successfully dealt with by the establishment of a specialized digest of "201 teams" of personnel assigned to this Branch. The digest teams review all atrocity acts contained in communications, affidavits, statements, investigation reports, memoranda, letters, diaries, photostats, and numerous other sources. Data Sheets were carefully prepared containing vital items such as location, victims, atrocities, units to which perpetrators were assigned, captured enemy documents, witnesses, and records identifying communications. From these consolidated sheets cross index cards consisting of master cards, location, perpetrator, unit, victim, witness captured documents, keyword and photostats were typed and indexed.

Among its chief achievements and important precedences was the establishment and maintenance of the concurrent affidavit file and "201" folder-card file index. The concurrent affidavit file system was initiated to meet the increasing demand for certified mimeographed copies of original affidavits required by the Prosecution Division of the Legal Section as exhibits in their trial.

Specially designated racks were constructed to store the thousands of affidavits and a card index stencil file was devised whereby Prosecutors could be quickly and easily informed of the availability and number of affidavits on hand in the Branch's files. Countless demands have been made upon the Japanese Government for lists and pictures of Japanese Criminals, ATIS reports and translations, Japanese law, Government officials, Surrender Documents and so forth. Since this documentary matter does not specifically fall within the scope of any particular camp file but serves as a broad reference source; the Japanese Background and Reference (JA) files were established. A keyword card index was compiled utilizing the titles appearing on the check sheet replies and covering letters.

Since its inception the Records and Files Branch has annexed to its evergrowing war crimes volumes, information of every description which required a methodical study of procedures and practices best suited for the most expeditious treatment of classification, digestion and filing of documentary evidence.

In the activation of the Criminal Registry Division, Apprehension Branch, the problem of compiling as complete and as accurate a file as possible on Japanese Suspected War Criminals was number one in the minds of those officers selected to establish this branch. The manner in which this was handled reflects the success this branch has had in accomplishing its mission.

Assembling all statements, affidavits and correspondence, at the time while in the Legal Section, Manila, the nucleus of the Apprehension staff read and digested the material on hand. During this process, names of Japanese that appeared in this material were typed on an index card along with any pertinent data available at the time. In this manner a file of Japanese Perpetrators was established. To further their work, all Japanese, whether military or civilian, were processed thru the Manila office prior to repatriation to Japan. Thus should the Apprehension Branch have a "Wanted" or "Suspect" card on a person coming thru

for repatriation clearance, he was detained for further investigation. All additional information received from any and all sources is processed through the Index Card Files.

With the files established, the problems of what agency could request the apprehension of Suspected War Criminals and how would they be arrested, faced the Apprehension Branch. In the first case it was determined that any United States military agency working on War Crimes or any of the Allied governments could request apprehension. As to the problem of arrest and incarceration, the Provost Marshal's office in Manila, in the normal course of his duties, made the necessary arrests. However, arrests to be made in Japan were defined in a SCAP directive which placed the power of apprehension on the Imperial Japanese Government. This was accomplished by issuing a SCAP letter to the Imperial Japanese Government listing those suspects wanted and giving whatever pertinent data on hand in an effort to expedite the apprehension.

To handle the numerous requests that were requests that were received an Apprehension clerk was designated. Such request had to be processed by checking all files, the G-2 files, Order of Battle, Japanese Dictionaries of Military Terminology and Usages, in order to prepare the draft Memorandum to be censored by the Legal Section and other interested sections prior to the final Memorandum to the IJG, these were the major problems confronting the Apprehension clerk. Through a trial and error procedure the work was reached a point where requests are processed in an expeditious and highly accurate manner. Since its inception many new forms have been devised for the handling of requests for apprehension. A Confidential sheet has been initiated which in part covers the charges and synopsis of evidence supporting the requesting agency's desire for the apprehension of a Suspected War Criminal to enable approving authorities to more easily comprehend the reasons for the requested apprehension.

Once the man was interned the Division was anxious to know

if we had apprehended the right person since the similarity in Japanese named left too much room for error. This was solved by having the Imperial Japanese Government issue an Apprehension Slip listing the suspects name, date of the Memorandum he appeared on, his name as he spells it and also the Japanese characters for his name. To doubly insure this method the internee was interrogated by the Legal Section Liaison Officer at Sugamo Prison.

Many of the suspects incarcerated in Sugamo Prison were interned on requests of agencies outside the Legal Section. When it was determined that these were to be transferred to those commands outside Japan, the problems of transportation, proper escorts, subsistence enroute, medical clearances for the prisoners, the approval for such shipments and several minor difficulties had to be set to a workable pattern. This was accomplished by direct contact with ATC officials, the mimeographing of a Standard Operating Procedure for escorts, advising the prison the length of travel and the immunizations required by the specific area the prisoner was to be shipped, and a request that necessary orders be cut by the Adjutant General for the shipment of both escorts and prisoners. To date transfers have been completed for prisoners to China, Singapore, Guam and the Philippines.

As an aid for furnishing reports, daily spot checks for information requested by the divisions of Legal Section, and results of apprehensions and trials, a series of files were needed. At present those in operation contain those men requested but not yet apprehended, those in Sugamo Prison, those in prison outside Japan as well as a Tried File showing the results of trial of each suspect. These files have proved to be of great value in the rendering of reports by the Legal Section and have materially assisted other staff sections of GHQ.

For the period it has been in operation the Apprehension Branch, Criminal Registry Division has set up and maintained the most complete files on Suspected War Criminals, offering valuable

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leads and information to the Investigation Division, Legal Section, as well as to the sections also engaged in War Crimes work, has assisted G-3 in their repatriation work, made possible the apprehension and transfer of prisoners to Allied agencies and have indexed and cataloged all Suspected War Criminals either in the category of "Suspects", "Requested" or "Detained".

Prosecution Division

In the first year of the Occupation of Japan, Prosecution Division of Legal Section, confronted with the task of prosecution of Japanese war criminals, established an organization to accumulate and classify oral and documentary evidence, prepare cases and draft charges and specifications against the alleged perpetrators and to prosecute the accused on trial.

Since the International Prosecution Section has been assigned the trial of the International or Major War Criminals, this Division has been concerned with the residuary perpetrators, of which a large number have been those related to the Japanese Prisoner of War Camps, whether as civilian or military personnel attached.

Thus, until this time, the Division has been primarily concerned with the violations of the Laws and Customs of War, which have included gross mistreatment of American and Allied Prisoners of War interned by the Japanese in this Theater.

With the subject and method of prosecution relatively novel, it has been necessary to pioneer in this field, with the primary aim being the accomplishment of expeditious and substantial justice.

The Eighth Army was assigned the task of establishing military commissions to try the accused and to furnish defense counsel. The practical problem of establishing sufficient commissions has been a difficult one, and it has accordingly limited the number of trials completed.

The Supreme Commander for the Allied Powers had set up rules and regulations concerning such trials that were free for precedents of Anglo-American Common Law, but which, nevertheless, have afforded

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justice to the accused. Based neither upon the United States constitutional guarantee nor upon the rules of the Army court martial, the Japanese have nevertheless been given fair and impartial trials, and each prosecutor has adhered to the ethical aim of presenting the evidence fairly, fully, and honestly.

A difficult problem presented has been the lack of living witnesses to testify before the commissions. A wealth of documentary material was and is being obtained, and the charges have largely been based upon this evidence. Since the commission may by SOAP rules "admit such evidence as in its opinion would be of assistance in proving or disproving the charge or such as in the commission's opinion would have probative value in the mind of a reasonable man", great latitude is allowed as to the material presented to the commission for its information.

While less weight might well be attached to affidavits, depositions, signed statements, or other documentary evidence, such material without the benefit of the testimony of witnesses was found sufficient to sustain a death sentence in one particular instance.

It has been a policy that former prisoners of war now in hospitals and in their home should not be compelled to return to this Theater, although they have been encouraged to return upon their own volition, and where such witnesses are still members of the Service they, in several instances, have been assigned to this Theater for the purpose of giving testimony in the Yokohama trials.

Most of the cases thus far have largely been decided upon written or documentary evidence, and the results have been uniformly good, but the presence of witnesses has bolstered and clarified the cases presented. Since the prosecution is not afforded an opportunity of being able to interview all interested parties and to present their testimony as a part of the case, the results are somewhat limited, but with the more liberal rules as to the admissibility of

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evidence, relatively complete cases have been submitted for the decision of the members of the Commission.

In 48 cases involving 78 accused, but four have been acquitted. Six death sentences and ~~eight~~ life sentences have been adjudged by commissions, while one accused has been given 50 years, three have been sentenced to 40 years, one to 35 years, 7 to 30 years, five to 25 years, one to 23 years, six to 20 years, two to 16 years, nine to 15 years, one to 12 years, eight to 10 years, one each to 8, 7, and 6 years, six to 5 years, five to 2 years, and two to one year.

With the addition of Australian, British, Canadian and Chinese units assigned to Legal Section, the work of obtaining information from these Divisions and the coordination of their efforts with ours has been greatly facilitated.

For reasons of office expediency the Korean and Japanese prisoner of war camps have been classified as to area and systems, and prosecutors have been assigned accordingly, with the responsibility of those cases arising within their jurisdiction. Cases involving atrocities to Air Corps personnel, crimes on the sea and other acts taking place at various places and under different situations have likewise been so classified and assigned. While the primary emphasis and attention of this Division has thus far been placed upon incidents arising out of prisoner of war camps, the scope of the crimes perpetuated is actually greater, and other types of crimes are now being prepared for trial.

A fundamental problem has been the obtaining of specific information from the United States concerning cases being prepared for trial, upon which the evidence is neither complete nor specific. By communicating with the States additional information has been obtained, but it has not in all instances been entirely adequate or satisfactory. For this reason a group of officers of this Section was sent to the States to coordinate and expedite the matter

of obtaining such information.

In a field in which it has been necessary to blaze a new trail to establish precedents, and to prosecute war criminals for atrocities and acts novel to Western civilization, the Prosecution Division has established itself and at the close of the year has seen that justice has been done in many high-lighted instances, with many more war criminals awaiting their turn on the docket.



THEODORE R. C. KING
Major Inf.
Executive Officer

GENERAL REGISTRY OF WAR CRIMINALS
AND SECURITY SUSPECTS

~~RESTRICTED~~

~~SECRET~~

6889 Berlin Document Center, ~~MEMO~~ OM2US/CROWCASS
Berlin, Germany APO 742 US Army

Date: 20 Sept. 46

REF: CR. 1466

SUBJECT: Alleged War Criminals wanted by: -- BRITAIN

TO : Office of the Judge Advocate General, 6 Spring Gardens,
Cockspur Street, London SW 1, England

1. Reference is made to the Wanted Reports filed by you in
respect of the following alleged War Criminals.

TREITER

Rank: SS-Untersturmf., born: 10. Sept. 11 in Berlin, ISN: 310-350.111,
height: 1.78 m, weight: 67 kg, eyes: grey-blue, hair: blond, SS-Medical Corps,
Dr. med. Surgeon, SS-specialist for feldiscas. ses.

2. Information has now been received that these persons
are now detained as shown below:

FUE 29, Dachau

3. Please communicate disposal instructions to the Detaining
Authorities through the usual channels and inform this office accord-
ingly.

H. J. Seed Capt.
H. J. SEED
Capt.
Staff Capt.
Director

Telephone: BERLIN
Tempelhof 5775

For the A/

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUBMISSION No. 12

SEPTEMBER 1946

Statistics & Reports

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 12
September 1946

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Par. I

Japan

LEGAL ACTIVITIES

Claims Against Allied Military Personnel

1. This Division rendered an opinion to a Staff Section of this Headquarters on the problem of claims of Japanese Nationals for damage caused by Allied Military Personnel. This Division concurred in the opinion that there was no legal basis for settling such claims. It was pointed out that the settlement of such claims was a matter to be negotiated by the Peace Treaty Conference which might, as was done in World War I, decide that all such claims should be waived by the Japanese Government. It was recommended that the Supreme Commander for the Allied Powers investigate all such claims for sole purpose of finding the facts for its records and in order that the evidence might be preserved.

After a conference with a member of the Public Relations Office, AFPAC, this Division aided in the preparation and editing of a press release amplifying a previous press release on this subject. The first press release stated that "General MacArthur does not consider his occupation forces liable for any damage to Japanese property caused by Allied Forces". It was felt that this would give the impression that SCAP denied all responsibility for preventing damage to such property. The amplifying release pointed out that, while every effort would be made to prevent damage by proper exercise of discipline, the Supreme Commander for the Allied Powers recognized no legal basis for settlement of claims for damage by the United States or its Allies. It also pointed out that the Japanese Government could, if it wished, settle claims of its own nationals on its own responsibility.

Displaying of Japanese Flag

2. In a conference with representatives of the Japanese Foreign Liaison Office on the question of whether a Japanese father who displays the Japanese Flag on the occasion of the return of his soldier son's ashes, is violating a SCAP directive and thus requires punishment under Imperial Ordinance #311. This Division advised that in as much as no SCAP directive prohibits the use of a Japanese Flag, Imperial Ordinance #311 cannot be invoked, although it is possible that the display of the Japanese Flag was in contravention to the local Commander's orders and, therefore, could be punished in the Occupation Courts as violating an objective of the Occupation.

Transfer of Property

3. Advice was rendered on the question of whether or not a member of the Armed Forces could receive an automobile as a gift from a Japanese citizen. This Division advised that this was contrary to provisions of an EIGHTH Army directive.

Violation of Occupation Courts Directive

4. This Division rendered an opinion to the effect that where a Formosan-Chinese requests a Japanese to surrender his property and the Japanese refuses, such conduct does not indicate a criminal offense under Occupation Law, and therefore would not warrant his trial in either a Japanese criminal court or an Occupation Court.

Status of Foreign Nationals

5. A conference was held with representatives of the Japanese Ministry of Justice on the question of Formosan

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nationals. Advised that Formosans are not United Nations Nationals until official instructions are issued to the contrary.

The Justice Ministry officials also inquired whether a Manchurian in Japan should be considered as a Chinese or in a similar category as a Formosan. This Section advised that a Manchurian is considered as a Chinese national and must be treated as all other Chinese nationals.

Legal Advice

6. Several questions have arisen in the current period but as yet no action has been taken and they are still under study. Also rendered during the month was advice and opinions on problems brought forth by members of this Headquarters.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

Japan

7. During the period 25 August - 24 September 1946, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

8. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 Aug	Cases received 25 Aug - 24 Sept	Cases closed 25 Aug - 24 Sept	Cases on hand 24 Sept
POW Camp Conditions	2	3	-	5
POW Camp Atrocities	78	8	-	86
B-29 Fliers	175	4	1	178
POW Ship	47	4	-	51

	Cases on hand 25 Aug	Cases received 25 Aug - 24 Sept	Cases closed 25 Aug - 24 Sept	Cases on hand 24 Sept
Kempei-Tai International Police	21	1	-	22
Miscellaneous	<u>227</u>	<u>86</u>	<u>4</u>	<u>309</u>
Total	550	106	5	651

APPREHENSION OF SUSPECTED WAR CRIMINALS

Japan

9. During the period 25 August - 24 September 1946, six memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 147 persons wanted for alleged war crimes activities.

Orders for Apprehension

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (29 Aug 46)	1164	1 Army Enlisted Man 1 Civilian
AG 000.5 (30 Aug 46)	1168	1 Civilian
AG 000.5 (7 Sept 46)	1188	37 Army Officers 29 Army Enlisted Men 6 Navy Officers 19 Civilians
AG 000.5 (10 Sept 46)	1192	12 Army Officers 1 Army Enlisted Man 2 Navy Officers 4 Navy Enlisted Men 2 Civilians
AG 000.5 (11 Sept 46)	1194	13 Army Officers 7 Army Enlisted Men 2 Navy Officers 2 Navy Enlisted Men 8 Civilians
AG 000.5 (13 Sept 46)	1200	1 Army Officer

10. By memorandum AG 000.5 (18 Sept 46) SCAPIN 1213, the Imperial Japanese Government was notified of the change in status of 12 persons whose names had appeared on previous memoranda.

11. On request of this Section, 41 suspects were interned in Sugamo Prison during the period 25 August - 24 September, 1946. At the present time there are 780 persons interned in Sugamo Prison.

PROSECUTION OF WAR CRIMINALS

Japan

12. During the period 25 August - 24 September 1946, two trials were completed by this Division. At the close of the period on 24 September, there were eight trials in progress. In addition to those cases tried and being tried, 25 cases were forwarded to Eighth Army for reference to a military commission and trial. At the present time, there are 241 cases in various stages of preparation and there are 21 additional prospective cases.

13. Statistics concerning the war crimes trials held in Yokohama are as follows: to date 92 defendants have been tried, 88 have been found guilty and 4 not guilty. Eight of the 88 accused found guilty have been given the death sentence. Four death sentences have been executed, and four are awaiting approval by the convening authority. The remaining 80 war criminals found guilty were sentenced to terms ranging from one year to life imprisonment.

Statistics of war crimes trials completed in Japan:

Defendant	Official Capacity	Rank	Date of Trial	Results of Trial
1. (Takuji MURAKAMI	Camp CO	Capt	21 June -	Death by
(Kyosuke SAITO	Camp Med Off	1st Lt	31 Aug 46	Hanging
(Shunichi TANIMOTO	Supply Sgt	Sgt		Death by
(Haruo OKADA	Interpreter	L/Cpl		Hanging
(Kenshi HARAI	Interpreter	Pvt		15 yrs
(Kiyoshi NISHIYAMA	Med Orderly	Cpl		Imprisonment
(Mashiro OKA	Overseer	Civ		20 yrs
(Tanimori YAMAMOTO	Overseer	Civ		Imprisonment
(Satoji SUZUKI	Overseer	Civ		1 yr
(Shinekichi KAWABATA	Overseer	Civ		Imprisonment
(Takeshi BEPPU	Overseer	Civ		20 yrs
(Jiro KONDO	Overseer	Civ		Imprisonment
(Kiichi SIRASAYA	Overseer	Civ		3 yrs
				Imprisonment
2. (Mamoru SHIZAWA	Guard	Civ	28 Aug -	15 yrs
			11 Sep 46	Imprisonment

Trial of Takuji MURAKAMI, et al

14. The commission designated to hear the case of the United States vs Takuji MURAKAMI and 12 others met at the District Courthouse, Yokohama on 21 June 1946.

The accused were members of the Hiroshima Prisoner of War Branch Camp #3 personnel, or were employed by the Sumitomo Company, a concern employing prisoner of war labor, as overseers. MURAKAMI was the camp commander of the Hiroshima camp, he was charged with failing to provide sufficient food, compelling prisoners to work while they were sick and allowing members of his camp staff to beat and torture numerous Allied Prisoners of War.

SAITO, a former Lieutenant in the Japanese Army and medical officer at the camp is charged with refusing to treat

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prisoners of war when they were ill and failure to issue medical supplies to the Allied doctors interned in the camp.

The remainder of the accused are charged with numerous beatings and tortures which resulted in the deaths of some of the prisoners interned at the camp.

Trial of Manoru SHIZAWA

15. The case of the United States vs Manoru SHIZAWA opened in Yokohama, Japan, on 28 August 1946. The accused, a former civilian guard serving with the armed forces of Japan at the Tokyo Area Prisoner of War Branch Camps #2-B and 24-D, Kawasaki, Japan, was charged with brutally and inhumanly mistreating, abusing, and torturing numerous American and Allied Prisoners of War.

After hearing the evidence presented, the accused was sentenced by the commission to be imprisoned for a period of 20 years at hard labor.

AUSTRALIAN DIVISION

Investigation

16. For the four weeks ending 24 September, the Australian Division has carried out interrogations of 14 Japanese interned at Sugamo Prison, and 10 others whom the Japanese authorities had been requested to "locate and make available for interrogation." The incidents investigated, comprised atrocities against Australian interned officials and unin-
terned civilians on Nauru Island, also against Australian and other Allied Prisoners of War and/or internees in New Guinea, New Britain, the Solomon Islands, Timor, Ambon, Java, Hainan Island, and Japan.

17. Sworn statements were obtained from five of those interrogated, and investigations completed in twelve cases.

18.- The interrogation of a number of Japanese civilians who were dispatched to Nauru Island in 1942, as members of the South Sea Colonization Company, and who themselves suffered a certain degree of oppression at the hands of the Japanese Garrison on the island, is bringing to light a mass of evidence including a number of unrecorded war crimes.

19. Important statements and affidavits have been obtained from several Japanese civilians, and naval personnel concerning happenings on Nauru Island during the period August 1942 to November 1943 which have been forwarded to Australia to be used as evidence in the trials which will be held there. The atrocities comprised (a) the murder of five Australians who volunteered to remain on the island, when the European population was evacuated, in order to administer and attend to the medical needs of the natives, (these volunteers were the Chief Civilian Administrator, two doctors, and two engineers to maintain the power plant and refrigeration systems in the hospital and food stores), and (b) the executions, beatings and torture of natives and others on the island.

20. One Japanese, an ex-naval officer made an important confession concerning the deaths of approximately five hundred British Commonwealth Prisoners of War in the Solomons.

Apprehension

21. An additional list of suspects, prepared by Australian Army Headquarters, has been received, containing the names of 280 Japanese wanted for war crimes in various areas of the Pacific and South East Asia theaters of war, and is

under active investigation.

22. Among those suspects who are wanted by the Australian authorities, and were apprehended during the period under review is Naval Lt. SASAKI, Saburo who was on Nauru Island in the years 1942-43. When the Australian Forces re-occupied Nauru the natives made a number of allegations against SASAKI, and a search for him was then commenced. His movements were traced from Nauru to Japan, thence to South East Asia Command Area to Singapore and to the Nicobar Islands, and it was eventually learned that he had been among those Japanese who were captured on the Nicobars, transferred to the Andaman Islands and later repatriated to Japan where he arrived in June 1946. At the time of his apprehension SASAKI was employed in the 2nd Demobilization Bureau, Kure.

Prosecution

23. Thirteen Japanese war criminals were sentenced on 31 August 1946, for atrocities against Australian and Dutch Prisoners of War at Yamane and Niihama Prisoner of War Camps. The hearing of this case, to date the largest common war trial to be held in Japan, lasted 11 weeks, resulting in two of the accused being condemned to Death by Hanging, and the remainder sentenced to varying terms of imprisonment, up to 40 years.

24. As an interesting commentary on Allied cooperation, it is noted that the Eighth Army Commission trying this case was presided over by a Canadian Officer who was assisted by one American Officer and five other British Commonwealth Officers, the Chief Prosecutor being a member of the Australian Division, assisted by a Prosecutor from the American Army. Two Australians, from the Reserve of Officers and one

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Dutch Medical Officer from Batavia, who were Prisoners of War at these camps, came to Japan in order to give testimony concerning these war criminals.

25. During this month, 49 affidavits have been received from Australians for the Prosecution Division along with 17 others requested by the Australian Division.

BRITISH DIVISION

Investigation

26. Since the start of the period this Division has completed 3 interrogations. In addition, a senior liaison officer from South East Asia Command, during his visit to Tokyo, carried out five interrogations. From these interrogations important evidence resulted, which brought about the order for and immediate arrest of Lt. Gen. Saburo KAWAMURA, former commander of the Singapore Garrison in February 1942. KAWAMURA is wanted in connection with the arrest of 7,000 Chinese in Singapore, over 5,000 of whom were executed. The majority were British Subjects. A further result of these interrogations was the uncovering of a Top Secret Japanese War Ministry report on Chinese massacres in Singapore and 20 similar documents concerning atrocities committed by the Japanese Forces elsewhere.

27. Since the 25th of August, 103 affidavits have been received from England and the South East Asia Command, in response to requests from this Division. During the month, 25 affidavits were requested from former prisoners of war in England and other areas throughout the United Kingdom.

28. At the present time, one officer from this Division is temporarily stationed in Hong Kong for the purpose of

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obtaining affidavits and sworn statements from former prisoners of war in that area. Many of the former prisoners, who have now returned to Hong Kong, were members of the Hong Kong Volunteer Defense Corps and were taken prisoner and interned at the Narumi, Innoshima, and Sendai Prisoner of War Camps. The total number of affidavits taken by this officer is not yet known, but 21 affidavits and five diaries, made up of 20 separate books, were received from him last month and six more affidavits were received just before the close of the current period.

Apprehension

29. During the month, this Division, on behalf of Supreme Allied Commander South East Asia, requested the arrest of 118 war criminal suspects, making a total of 462 suspected war criminals whose arrest has been requested by this Division for South East Asia Command.

30. During the current period, 23 suspected war criminals were transported by air to Hong Kong and seven others were dispatched to Singapore. In addition to the shipments above, this Division made arrangements for transporting three Japanese Interpreters to Hong Kong to take part in the war crimes trials being held there. Transportation to Singapore was arranged for 10 Japanese interpreters, 14 Japanese defense attorneys, and four Japanese witnesses, all of whom will take part in war crimes trials being held in the Singapore Area.

31. Notification was received during the month that of the total 462 war criminal suspects whose arrest had been requested, a total of 28 have been located elsewhere outside Japan, or have been reported dead.

There are 12 suspected war criminals now in prison awaiting to be transferred to South East Asia Command where they will stand trial.

Prosecution

32. At present there have been 26 cases tried in Yokohama in which former United Kingdom Prisoners of War are concerned. During the month, nine cases have been prepared for trial making a total of 19 cases complete and ready for trial. In the 26 cases tried and the 19 cases awaiting trial, 129 United Kingdom former Prisoners of War were specifically named as victims of atrocities perpetrated against them by the accused.

33. At the present time there are two former prisoners of war who have returned to Japan at the request of this Division to aid in the prosecution of suspected war criminals by giving oral testimony and eye witness accounts of the atrocities committed by the accused.

CANADIAN DIVISION

34. Since this Division joined the Legal Section in April written evidence and live witnesses have been secured for the prosecution of suspected war criminals in Japan. The evidence and witnesses were brought from Canada. In cases where further evidence is needed, requests are sent to Canada or the United Kingdom and depositions to support those already on hand are forwarded to Tokyo.

Prosecution

35. During the current period, four new cases with Canadian interests were forwarded to the Commanding General for reference to a Military Commission for trial. At the

close of this period there were five trials in session which had a Canadian member on the Prosecution Staff. None of these cases were completed during the period.

36. At the present time there are a number of additional cases in preparation for trial, and several more prospective cases in which Canadian interests are involved.

CHINESE DIVISION

Investigation

37. Several investigations were started during this period on war crimes atrocities committed against Chinese nationals by Japanese in Japan. Investigations are being conducted where suspected war criminals have tried to hide themselves by changing their names and giving false addresses.

Apprehension

38. Three suspected war criminals have been requested apprehended during this period. These men when apprehended will be transferred to China for trial before a Chinese Military Court for war crimes committed in China.

Prosecution

39. The trial of two cases which had been forwarded for trial was delayed. Three other respective cases are now in preparation.

Part II
Philippines

INVESTIGATION OF WAR CRIMINALS

Philippines

40. During the current period, 20 August - 20 September 1946, 11 cases were completed and forwarded to the Prosecution Division for final action. The total number of completed investigation cases at the present time is 355, two of which have not yet been reviewed and forwarded to the Prosecution Division. At the present time, three major cases and several minor cases are under investigation, the latter including re-interrogation of some former prisoners of war. During the period of this report, seven cases were investigated, one case which had been closed was reopened for further inquiries.

41. The FS 208, a small Army Transport, assigned to the Manila Office made a trip to Cebu, Panay, Negros Oriental and Negros Occidental Islands for the purpose of returning 20 witnesses to their homes. An investigating team accompanied the boat on this trip and procured 62 witnesses and brought them to Manila to testify in current war crimes trials.

42. Two prosecutors proceeded to Negros Occidental, Negros Oriental and Cebu Islands by plane for the purpose of obtaining witnesses for a current trial and doing additional investigating. Nine witnesses were brought to Manila by these prosecutors. At the present time two investigators are in Negros Occidental obtaining 16 witnesses for trials currently being conducted. These witnesses are being brought to Manila by plane.

APPREHENSION OF WAR CRIMINALS

Philippines

43. As of 20 September 1946, there were 719 Japanese

Prisoners of War detained in the Philippines for war crimes activities. Of this total figure, 531 are identified war criminals, 171 are suspected war criminals and 17 are being held as witnesses. Of the 531 identified war criminals, 401 remain to be tried and 130 have already been tried and convicted.

44. There were seven Japanese Prisoners of War cleared at the requests of other divisions due to insufficient evidence or lack of proper witnesses.

45. During the period of this report, five suspected war criminals were transferred from Sugamo Prison, Japan, to Manila where they are to be tried. There were three suspected war criminals sent to Sugamo Prison from Manila at the request of the Tokyo Office. These suspects will be tried in Japan. Forty-nine prisoners of war were detained during this report period at the request of other divisions. Requests were also made by the other Divisions for the apprehension of 56 additional suspected war criminals.

PROSECUTION OF WAR CRIMINALS

Philippines

46. Five trials were completed during the period of this report. Two of these cases involved four defendants each, two other cases three defendants each and the remaining case, one defendant.

47. Two cases were referred to the Commanding General, United States Army Forces, Western Pacific, for trial. Three additional trials were started during the current period, but were not completed at the close of this period. Six new cases were assigned to prosecutors and are in the process of

being prepared for trial. There are approximately 290 additional prospective cases.

48. A note of interest evolves from the case of Toyozo MORITA, which began on 12 September 1946 and was concluded on 14 September 1946. MORITA was tried last May, however, the Reviewing Authority directed a retrial and the case was retried during this current period. The rehearing constituted a brief reiteration of the original trial, and the accused was again sentenced to life imprisonment.

49. The following is a summary of the results of the war crimes trials in the Philippines from the first trial through 20 September 1946:

Total number persons tried	236
Total number of persons convicted	170
Total number of death sentences	65
Total number persons actually executed	33

The following shows the results of War Crimes Trials completed in the Philippines during the period 20 August - 20 September 1946:

Defendant	Official Capacity	Rank	Date of Trial	Result of Trial
1. (Minoru KATO	CO Jap. Gar.	2nd Lt.	8 Aug -	Death by
(Tadashi SUE	Dumanjug, Cebu I.		21 Aug 46	hanging
(Satsuki GOTO	Mem. Jap. Gar.	S/Maj		Life
(Kiyoshi KAMEI	Dumanjug, Cebu I.	Sgt		Imprisonment
	Mem. Jap. Gar.			Life
	Dumanjug, Cebu I.	Sup Pvt		Imprisonment
	Mem. Jap. Gar.			Not Guilty
2. (Seiichi ONICHI	CO 173 Ind. Inf.	Lt Col	22 Aug -	Life
(Hajime HAWAHARA	Bn, Cebu Prov.		29 Aug 46	Imprisonment
(Tsugihara OGATA	CO 4 Co. 173 Ind. Inf.	1st Lt		Not Guilty
	Bn, Cebu Prov.			
	Ptn Ldr 4 Co. 173 Ind. Inf.	2nd Lt		Not Guilty
3. (Sentaro YAMAGUCHI	CO Jap. Security Police (Keibi-Tai)	Lt (jg)	5 Sept -	Death by
(Kiyoto TASUKI	Mem. Yamaguchi's Unit	Ensign	6 Sept 46	Musketry
(Isaburo SUGUWARA	Mem. Yamaguchi's Unit	S.P.O.		Death by
				Musketry

<u>Defendant</u>	<u>Official Capacity</u>	<u>Rank</u>	<u>Date of Trial</u>	<u>Result of Trial</u>
4. (Yoshimi HIDAKA	Mem. Onishi Butai	1st Lt	2 Aug -	Life
(Hideo SAWAI	Carcar, Cebu Prov.		5 Sep 46	Imprisonment
(Kingo YAMAMOTO	Mem. Onishi Butai	Sgt		Death by
(Toshio YAMAGUCHI	Carcar, Cebu Prov.			Hanging
(Toyozo MORITA	Mem. Onishi Butai	Pvt		Life
	Carcar, Cebu Prov.			Imprisonment
	Mem. Onishi Butai	Pvt		Life
	Carcar, Cebu Prov.			Imprisonment
	Mem. Takano Unit	1st Lt	12 Sep -	Life
	Mindanao, P.I.		14 Sep 46	Imprisonment

Trial of Minoru KATO, et al

50. The trial of the United States vs Minoru KATO, Sadamu SAKAMOTO, Tadashi SUE, Satsuki GOTO, Torao HIRAKAWA, and Kiyoshi KAMEI, began on 8 August 1946. The accused, all former members, or believed to have been members, of the Japanese Garrison at Dumanjug, Cebu Island, Philippines. 2nd Lt. Minoru KATO was in charge of the Japanese Garrison.

The accused were charged with willfully and unlawfully ordering and participating in the torturing and killing of specified unarmed noncombatant Filipino civilians at Dumanjug, Cebu Island, during the period from about 14 May 1944 to about 19 May 1944.

At the arraignment, the charges and specifications were dismissed without prejudice by the Commission on motion of the Prosecutor as to SAKAMOTO because of his insanity; as to GOTO, because additional investigation conducted subsequent to his being charged disclosed he did not commit the alleged crimes. The four remaining accused entered pleas of "not guilty" and stated they were ready for immediate trial. Five witnesses for the prosecution identified KATO and the other accused as commander and members respectively of the Dumanjug Garrison. At least two witnesses per accused testified they saw the accused, except for KAMEI, commit some of the atrocities charged. As

to KAMEI, one witness only testified to having seen him commit any of the atrocities charged.

On 21 August 1946, the Commission hearing the case rendered its verdict as follows:

KATO, Minoru - Guilty, Death by Hanging
SUE, Tadashi - Guilty, Life Imprisonment
GOTO, Satsuki - Guilty, Life Imprisonment
KAMEI, Hiyoshi - Not Guilty

Trial of Seishichi ONISHI, et al

51. The trial of three accused, Lt. Col. Seishichi ONISHI, Commander of the 173rd Independent Infantry Battalion, Cebu Province, Philippine Islands; 1st Lt. Hajime KAWAHARA, Commander of the 4th Company, 173rd Independent Infantry Battalion, Toledo, Cebu Province, Philippine Islands; and 2nd Lt. Tsugiharu OGATA, Platoon Leader of the 4th Company, 173rd Independent Infantry Battalion, Toledo, Cebu Province, Philippine Islands, began on 22 August 1946.

Lt. Col. ONISHI was charged in specification #1 with willfully and unlawfully torturing and murdering a specified unarmed Filipino civilian at Dumanjug, Cebu Province, on or about 7 April 1944.

In specification #2, all three of the accused were charged with willfully and unlawfully torturing and wounding an unarmed Filipino civilian and torturing and murdering seven other unarmed Filipino civilians at Toledo, Cebu Province, on or about 1 October 1944.

All three accused pleaded not guilty to the charge. During the trial, three prosecution witnesses testified concerning the matter charged in specification #1, one testifying to seeing the victim tortured and dead, the second testifying to

seeing him tortured, the third to seeing Lt. Col. ONISHI, the commander of the troops stationed in that area, in the vicinity of the place where the torturing took place at the time the torturing was going on.

The actual victim of torture testified concerning the matter charged in specification #2. This witness testified to seeing 1st Lt. KAWAHARA and 2nd Lt. OGATA at the execution; that he saw OGATA perform the executions. A confession from Lt. KAWAHARA was placed in evidence in which KAWAHARA admitted ordering the execution but saying that he did so on superior orders from Lt. Col ONISHI.

The Commission returned its verdict on the three accused on 29 August 1946, the results were as follows:

Lt. Col. ONISHI - Guilty, Life Imprisonment
1st Lt. KAWAHARA - Not Guilty
2nd Lt. OGATA - Not Guilty

Trial of Sentaro YAMAGUCHI, et al

52. On 5 September 1946 began the trial of Lt (jg) Sentaro YAMAGUCHI, Commanding Officer of Japanese Security Police (Keibi-Tai) at Samarinda, Borneo; Ensign Kiyoto TASUKI a member of Yamaguchi's unit; W/O Koziro TSUDA a member of Yamaguchi's unit, and S.P.O. Isaburo SUGUWARA, a member of Yamaguchi's unit.

Lt. YAMAGUCHI was charged with having willfully and unlawfully ordered men under his command and control to kill in February 1945, at Samarinda, Boreno, three members of the United States Army Forces, while they were in the custody and control of the Imperial Japanese Navy, and the other three accused, for their willful and unlawful killing of the three airmen mentioned above.

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The accused Koziro TSUDA who was unable to be physically present in court on account of serious illness was not arraigned and tried.

No oral witness was produced either by the prosecution or by the defense. The prosecution presented 29 different exhibits to prove the case. These were composed of statements and other documents prepared by Australian investigators who first investigated the case at Samarinda, Borneo, of statements prepared by investigators of War Crimes Investigating Detachment at Manila, and depositions of the investigators themselves who returned to the United States.

The Commission hearing the case returned its verdict on 6 September 1946. All three accused were found guilty and were sentenced to be shot to death by musketry.

Trial of Yoshima Hidaka. Alias Shigeyoshi HIDAKA, et al

53. On 2 August 1946, the trial of the United States vs Yoshimi HIDAKA, alias Shigeyoshi HIDAKA, Hideo SAWAI, Kingo YAMAMOTO and Toshio YAMAGUCHI, all members of the Onishi Butai stationed at Carcar Garrison in Cebu Province, Philippine Islands.

The accused were formerly 1st Lt, Sgt, and Privates, respectively. The prosecution presented Filipino witnesses from Carcar to establish all its specifications. Among the witnesses were three Filipino collaborators, two of whom had already been condemned to death by the Peoples Court. These Filipino collaborators made positive identification because they were present on that patrol. All the other witnesses for the prosecution were victims of the atrocities and tortures committed by these accused.

On 5 September 1946, the Commission rendered its verdict,

The accused Koziro TSUDA who was unable to be physically present in court on account of serious illness was not arraigned and tried.

No oral witness was produced either by the prosecution or by the defense. The prosecution presented 29 different exhibits to prove the case. These were composed of statements and other documents prepared by Australian investigators who first investigated the case at Samarinda, Borneo, of statements prepared by investigators of War Crimes Investigating Detachment at Manila, and depositions of the investigators themselves who returned to the United States.

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On 5 September 1946, the Commission rendered its verdict,

finding all of the accused guilty of the charges and specifications and announced the following sentences:

Hideo SAWSI - Death by hanging

HIDAKA)
YAMAMOTO) - Life imprisonment at hard labor
YAMAGUCHI)


Trial of Toyozo MORITA

54. The trial of the United States vs Toyozo MORITA, a former 1st Lt. in the Imperial Japanese Navy and a member of the Takano Unit stationed in Mindanao, began on 12 September 1946.

At the arraignment the accused pleaded "Not Guilty" and the trial was immediately started. The case was tried entirely upon the testimony of the record of witnesses of the first trial. Arguments and motions had been eliminated in the second trial as to those items pertaining thereto in the first trial.

The accused testified in his own behalf at the second trial and reiterated everything that he had testified to in the previous trial to be correct and true. He stated that he understood all the proceedings and was satisfied that his rights were protected.

At 1130 hours, 14 September 1946, the Commission rendered the verdict finding the accused guilty of the charges and specifications and sentencing him to life imprisonment.



Theodore R. C. King
Major, Infantry (TD)
Executive Officer

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No 13

OCTOBER 1946

Statistics and Reports

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 13
October 1946

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Philippines

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Part I

Japan

LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently, the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:-

Trial of Chinese Nationals

2. A report was received by this Section that Chinese nationals were being held in Sendai for trial by provost court for falsely representing themselves to be CIC agents. The EIGHTH Army, having been advised that these Chinese should be tried, in accordance with a recent directive, by a court of three members, one of whom would be a Chinese national, requested that a Chinese member for the court be made available. Accordingly, the Diplomatic Section was asked to contact the Chinese Mission and furnish the Legal Section with information as to a suitable Chinese national for this purpose.

Trial of Chinese, Formosans and Koreans

3. A check sheet was submitted to the Chief of Staff regarding a radio from the Niigata Military Government Team requesting authority to try Chinese, Formosans and Koreans in a provost court for black-market operations and for resisting arrest by Japanese police. It was stated that under present directives Koreans may be tried in provost courts, but that Chinese^l nationals must be tried by a three

member court, one member of which is a Chinese national. The Formosans may be tried as Chinese nationals if they have proper identification as such. If they have no such identification, then their case should be submitted to General Headquarters for reference to the Chinese Mission in order that their status may be clarified before any action is taken.

Trial of Japanese in Local Court in Nagano

4. A conference was held with a representative of the Ministry of Justice regarding the trial of Japanese charged with violating a SCAP Directive. The nature of the violation was such that either a Japanese court or a provost court could take jurisdiction. The provost court waived jurisdiction and asked the Japanese court to try the case. The Japanese representative was told that in such cases where there was concurrent jurisdiction, the Japanese court could properly try the case.

Trial of Chinese National by Occupation Court

5. In a conference with a member of another Staff Section of this Headquarters on a question concerning the validity of a trial of a Chinese national by an occupation court, of which none of the members were Chinese, as now required by recent amendment of the rules, he was advised that where a provost court sentences a United Nations National, prior to notification of this change in the composition of a provost court, the court action is valid. In this case the Chinese had been sentenced before publication of this amendment.

7

Trial of Formosans for Possession of Japanese Sword

6. A check sheet was submitted to the Government Section advising them that unauthorized possession of fire-arms or other weapons, including swords, is a crime against the security of the occupation under existing directives, and applies to United Nations Nationals as well as Japanese. This inquiry was made by the Diplomatic Section because of a note received from the Chinese Mission asking whether the conviction of a Formosan by provost court for unlawful possession of a Japanese sword was valid.

Practice of Japanese Lawyers before Occupation Courts

7. Conference with Legal Officer, Tokyo Office, Kanagawa, Military Government, with reference to improving the practice of Japanese lawyers before provost courts. An informal memorandum was prepared by this Division setting forth suggestions as to how such improvements could be effected. At a later conference with a member of the Tokyo Bar regarding the proper practices of Japanese lawyers acting as defense counsel in provost courts, he was advised that the Japanese lawyers acting in such capacities should assert themselves more vigorously with respect to questions of evidence, and arguments based on the evidence. They should avoid flowery speeches as to the beautiful character of their client, all of which made little or no impression on the court.

Occupation Courts

8. This Section advised a Military Government Unit that the question of parolling a Japanese sentenced by Occupation Courts may be decided by the EIGHTH Army, and the release of blocked funds to pay fines may be authorized

by letter to the procurator of Ken.

Sales by Army Units and Officers' Clubs of Garbage
and Waste Products to Japanese Nationals

9. In a conference with a member of the Legal Division of the Economic and Scientific Section, on the question of Army Units and Officers' Clubs selling to Japanese their garbage and waste products as a means of acquiring additional funds, he was advised that this Section could not approve this procedure for the reason that unit funds and officers' clubs are quasi-private in nature, being in most cases self-supporting, and, therefore, might be held to be an association with the meaning of the Enemy Trading Act, thus being prohibited. Aside from this reasoning, this procedure is deemed inadvisable on principle because of possible injury to health due to improper distribution and use of garbage, the possibility of encouraging Japanese to exploit their own destitute people in reselling the garbage, and, finally the garbage and waste products are in many cases the property of the Army or at least the Army has a quasi-property interest, since the food products, etc., are purchased from the Commissary at special prices after being transported from the United States at Army expense. The possibility of increase in morale due to the benefits of additional funds is remote and not sufficiently affected to be considered as a measure advantageous to the occupation.

Press Release

10. In a telephone conversation, the Civil Censorship Detachment asked confirmation of authority to release text of address to Tokyo Bar Association on American Legal

Systems which was made by a member of the Legal Section in August 1946. This matter was turned over to the Public Relations Division which, after translating the text, authorized the release.

Personal Problems

11. During the current period, advice was also given to personnel of this Headquarters on personal problems such as: divorce, copyright, and citizenship.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

12. During the period 25 September - 24 October 1946, the Investigation Division completed numerous investigations and many more are in progress, a number of which will be reduced to signed statements.

13. Cases now in Investigation Division files are classified as follows:

	Cases on hand 25 Sept.	Cases received 25 Sept. 24 Oct.	Cases closed 25 Sept. 24 Oct.	Cases on hand 24 Oct.	Reports submitted 25 Sept. 24 Oct.
POW Camp Conditions	2	5	--	7	7
POW Camp Atrocities	178	9	1	86	43
B-29 Fliers	175	84	1	258	66
POW Ship	47	3	--	50	9
Kempei tai International Police	21	--	--	21	2
Miscellaneous	227	50	15	262	110
Total	550	151	17	684	237

APPREHENSION OF SUSPECTED WAR CRIMINALS

14. During the period 25 September - 24 October 1946, five memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date twenty-seven (27) persons wanted for alleged War Crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 00.5 (28 Sept. 46)	1237	1 Army Officer 5 Army Enlisted Men 2 Navy Officers 9 Civilians
AG 000.5 (1 Oct. 46)	1242	1 Army Enlisted Man 1 Civilian
AG 000.5 (14 Oct. 46)	1267	2 Navy Officers 1 Civilian
AG 000.5 (17 Oct. 46)	1276	1 Navy Officer
AG 000.5 (24 Oct. 46)	1287	1 Navy Officer 3 Civilians

15. By memorandum AG 000.5 (24 Oct. 46) SCAPIN 1288, the Imperial Japanese Government was notified of the change in status of 2 persons whose names had appeared on previous memoranda.

16. On request of this Section, 38 suspects were interned in Sugamo Prison during the period 25 September - 24 October 1946. At the present time, there are 817 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

JAPAN

17. During the period 25 September - 24 October 1946 no trials were completed by this Division. One case which

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PROSECUTION OF SUSPECTED WAR CRIMINALS

JAPAN

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started prior to 25 September continued in process of trial throughout the entire period. At the close of the period on 24 October, cases against 17 persons accused as war criminals were in various stages of completion. Three cases were presently being heard; seven other cases in various stages of completion had been adjourned for such reasons as awaiting the arrival of witnesses from the United States, awaiting the answer to radiograms seeking additional information from ex-Prisoners of War, and awaiting the assignment of new defense counsel to take the place of those who had returned to the States for discharge during the period of adjournment.

18. In addition to those cases in various stages of trial, 14 additional cases were, during this period, forwarded to EIGHTH Army for reference to a military commission for trial. A total of 63 cases are now awaiting trial, 247 cases are in various stages of preparation and 9 prospective cases are awaiting further investigation.

19. Statistics concerning the war crimes trials held in Yokohama are as follows: to date 92 defendants have been tried, 88 have been found guilty and 4 not guilty. Eight of the 88 accused found guilty have been given the death sentence. Four death sentences have been executed, and four are awaiting approval by the convening authority. The remaining 80 war criminals found guilty were sentenced to terms ranging from one year to life imprisonment.

AUSTRALIAN DIVISION

Investigation

20. For the period of this report, the Australian

Division has made interrogations of 22 Japanese, seven of whom are interned in Sugamo Prison as suspected war criminals and 15 others who were located through the Legal Section Liaison Division.

Statements were taken from 10 of those interrogated, and two investigations were completed.

21. A number of leads concerning the murder of Australian Officials in Nauru, already referred to in the September summation, have been followed up, and these investigations have further disclosed a massacre of 39 native lepers. A suspect is being held in Sugamo Prison in connection with this case, while investigations are continuing in Australia, Guam, and Japan, in all of which countries potential witnesses are believed to be located.

22. Two Australians, former prisoners of war, at present serving with the British Commonwealth Occupation Forces, have been made available for interview in Tokyo, and have given considerable assistance in connection with cases presently under investigation, and in identifying accused.

23. During the four weeks of this report, 105 affidavits have been received from former prisoners through Australian Army Headquarters, Melbourne, 52 of which are for the Prosecution Division, Legal Section, and the remaining 53 are immediately connected with the Australian Division's own cases.

Apprehension

24. During the month, after considerable searching over previous months, one Japanese was apprehended just in

time to be included in the list of accused in a common trial which is about to commence concerning atrocities committed at the Naototsu Prison Camp. There were no requests made for the apprehension of suspects by this Division during the current period.

BRITISH DIVISION

Investigation

25. The majority of the 15 interrogations undertaken during the current period have been aimed at providing background material for the future interrogations of the entire staff of Ujima Shipping Transport Headquarters and its network in South East Asia. These interrogations yielded five statements. At this time, no investigations had been completed during the current period.

During the current period, due to changes in staff and reorganization to meet expanded commitments, the output of work has been restricted. In South East Asia investigations have been ordered to cease at the end of the year. Cases which are under investigation at that time, which cannot be brought to trial almost at once, will be abandoned.

Apprehension

26. Requests for the apprehension of 125 suspected war criminals have brought the total requests to 587. This figure is expected to reach almost 700 by the end of the year. This rise is explained by the speed-up of repatriation from Burma, Malaya and Netherland East Indies.

Information recently received has enabled, in this period under review, for a request to be made for the arrest of Lt. Gen. Yurtsu TSUCHIBASHI, former Commander

of troops who at Soerabaja is alleged to have imprisoned 200 Allied prisoners of war in bamboo cages and drowned them at sea.

During the period, two officers, Major General Sahuro KAWAMURA and Lieut. General Renja MUTAGUCHI, were transferred to South Sea Asia Command to stand trial in connection with the massacre of 500 Chinese at Singapore in February, 1942.

Prosecution

27. During the period, nine cases were prepared for trial, making a total of 25 awaiting trial and 26 having already been disposed of.

On behalf of the Legal Section, 47 requests for affidavits were made to the War Office, London, and 13 were received in response to earlier cables.

For work in future trials, six Japanese lawyers and five interpreters were flown to Hong Kong and Singapore to aid in the defense of Japanese personnel now awaiting trial.

CANADIAN DIVISION

28. Since joining the Legal Section, written evidence and live witnesses have been secured for the prosecution of suspected war criminals in Japan. The evidence and witnesses were brought from Canada.

29. During the present period, prosecutors of this Mission were engaged in three cases, all of which are still in trial at this time. There are a number of additional cases in preparation for trial and several prospective cases with Canadian interests.

CHINESE DIVISION

Investigation

30. Several investigations on Japanese atrocities concerning murder, maltreatment, beating and enslaving of Chinese POW's and civilians in the Home Islands of Japan, has been completed during the current period. In addition, several more prospective cases are being investigated by this Division.

31. One of the most important clues of Japanese atrocities committed in China has been obtained by this division from an anonymous letter which alleged that a certain person now hiding in Japan has knowledge of the murder of 10,000 Chinese POW's in 1937 during the period of the Rape of Nanking. The name of this inhuman executioner, as well as his atrocities, was in the List of Suspected War Criminals which has already been submitted to The War Crimes Commission of The Far East by Chinese Government.

32. Another letter stated that during August, 1938 to Oct. 1941, a commander of the Japanese Kempeitai in a certain city of southern China, killed approximately 3,000 non-combatant Chinese civilians. His criminal conduct also included the plunder of various private properties in that area. This statement has been forwarded to China to be used as evidence in the trial in which the accused is concerned.

Apprehension

33. This Division was informed by various sources that a number of suspected war criminals have returned to

Japan as a result of discharge and retirement. This information has been forwarded to China for the purpose of ascertaining apprehension and making arrangements for their transfer.

Prosecution

34. Due to the delay of trial of cases waiting to be brought to court, and the earnest desires of former Chinese POW's to return home, this division has made plans to send several less important witnesses back to China.

35. At the present time, besides those cases already prepared, there are several more prospective cases in which Chinese interests are involved. As some investigations have been completed, two former prisoners of war will be returned to Japan at the request of this Division to aid in the prosecution of suspected war criminals by giving oral testimony and eye-witness accounts of the atrocities committed by the accused.

Part II

Philippines

INVESTIGATION OF WAR CRIMINALS

Philippines

36. During the current period, 21 September 1946 to 20 October 1946, four cases were completed and forwarded to the Prosecution Division for final action. The total number of completed Investigation cases at the present time is 359, four of which have not yet been reviewed and forwarded to the Prosecution Division. At the present time, three major cases and several minor cases were worked upon, including reinterrogation of former prisoners of war, searching for diaries belonging to former prisoners of war, and a search for the Naval records of the Camancue Hospital. No cases were recommended closed and no cases were reopened.

37. The FS 208, a small Army transport boat, assigned to the Manila Branch departed Manila on 16 October 1946 to return approximately thirty five (35) witnesses to their homes in Negros Occidental and Negros Oriental. After returning these witnesses, the boat will proceed to Cebu Island where additional investigations will be conducted by an investigating team. On the boat's return to Manila, several witnesses will be brought to Manila to testify for the prosecution in war crimes trials.

38. During the period of this report, two investigators returned to Manila by air after procuring 16 witnesses in Negros Occidental and sending them to Manila by air. Two investigating teams proceeded to Negros Occidental by air for the purpose of sending 48 witnesses to Manila to testify in current war crimes trials. These witnesses are being brought to Manila by plane.

APPREHENSION OF WAR CRIMINALS

Philippines

39. As of 20 October 1946 there were 754 Japanese prisoners of war detained in the Philippines for war crimes activities. Of this total figure, 529 are identified war criminals, 200 are suspected war criminals and 25 are being held as witnesses. Of the 529 identified war criminals, 401 remain to be tried and 128 have been executed, or are in custody at the Luzon Prisoner of War Camp No. 1 as condemned or sentenced war criminals.

40. There were 32 Japanese prisoners of war cleared at the requests of other divisions due to insufficient evidence or lack of proper witnesses.

41. During the period of this report, one suspected war criminal was transferred from Sugamo Prison, Japan, and six suspected war criminals were transferred from other camps in the Philippines to Manila where they are to be tried. There were 67 prisoners of war detained during this report period at the request of other divisions.

PROSECUTION OF WAR CRIMINALS

Philippines

42. Five trials were completed during the period 21 September to 20 October 1946. In each of four cases one defendant only was involved, while five were involved in the remaining case.

43. Two cases were referred to the Commanding General, United States Army Forces, Western Pacific, for trial. Two additional trials were started during the current period, but were not completed at the close of this report period. Three new cases were assigned to prosecutors and are in the process of being prepared for trial. There are approximately 290 additional prospective cases.

44. The following is a summary of the results of the war crimes trials in the Philippines from the first trial through 20 October 1946:

Total number of persons tried 146
 Total number of persons convicted 140
 Total number of death sentences 73
 Total number of persons actually executed 34

45. The following shows the results of War Crimes trials completed in the Philippines during the period 20 September - 20 October 1946:

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Takeki YAMAMOTO	Member of OIE Bn.	1st Lt.	16 Sep 46 28 Sep 46	Death by hanging
Hitoshi MORI	Member of OIE Bn.	1st Lt.		Death by hanging
Masatomo TOKUNAGA	Member of OIE Bn.	1st Lt.		Death by hanging
Choji YAMADA	Member of OIE Bn.	1st Lt.		Death by hanging
Hidenari MATSUMOTO	Member of OIE Bn.	2nd Lt.		Death by hanging
Shinpei YAMASHITA	Member of OIE Bn.	Sgt/Maj.		Death by musketry
2. Kiyashi NISHIKAWA	Member of 172nd Inf. Bn.	1st Lt.		Death by hanging
3. Tansaku TAKAHASHI	Unknown	Capt.	19 Sep 46 5 Oct 46	Death by musketry
4. Yuzuru NAKAJIMA	Member 172nd Inf. Bn.	1st Lt.	2 Oct 46 9 Oct 46	5 yrs. imprisonment
5. Akira TAKESHITA	Member 172nd Inf. Bn.	Sgt.	4 Oct 46 16 Oct 46	25 yrs. imprisonment

TRIAL OF TAKEKI YAMAMOTO, ET AL

46. On 16 Sep 1946 the trial of Takeki YAMAMOTO et al began. All of the accused were members of the command of Lt. Col. Satoshi OIE whose headquarters was located in Dumaguete, Negros Oriental, Philippine Islands. The accused were connected with the OIE Battalion during the period from August to November 1944. All of the accused were members of the Imperial Japanese Army.

TOKUNAGA and YAMASHITA were members of the Kempei Tai unit located in Dumaguete.

The accused were charged with unlawful killing more specifically,

as follows:

Specification 1 charged all of the accused jointly with having participated in an expedition resulting in the death of about 22 Filipino civilians; Specification 2 charged YAMAMOTO with command responsibility for the killing of one Filipino civilian; Specification 3 charged MATSUMOTO with the killing of a Filipino civilian; Specification 4 charged TOKUNAGA and YAMAMOTO with the killing of six Filipino civilians.

On 28 September 1946 a four-man commission found all of the accused guilty and with the exception of YAMASHITA sentenced them to death by hanging. YAMASHITA was sentenced to death by musketry.

TRIAL OF KIYOSHI NISHIKAWA

47. On 16 September 1946 the trial of Kiyoshi NISHIKAWA began. The accused, formerly a First Lieutenant in the Imperial Japanese Army, was a part of the 172nd Infantry Battalion located on Negros Island and was the garrison commander of the garrison at Bago, Silay and San Ramon, Occidental Negros Province, Philippine Islands. His immediate superior was Captain TAKAHASHI, already tried and convicted and Colonel YAMAGUCHI who is presently charged with war crimes activities.

The accused was charged with having violated the laws and customs of war, by wrongfully and unlawfully permitting members of his command to kill, attempt to kill or brutally mistreat or torture about 16 Filipino civilians during 1943 in Occidental Negros Province. The prosecution submitted the testimony of 22 witnesses in support of the specifications.

On 3 October 1946 a four-man commission found the accused guilty and sentenced him to death by hanging.

TRIAL OF TANSAKU TAKAHASHI

48. The trial of Tansaku TAKAHASHI began on 19 September 1946. Tansaku TAKAHASHI, formerly a Captain in the Imperial Japanese Army,

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was assigned to duty at Bacolod, Negros Occidental, with jurisdiction as far north as Silay and as far south as Bago.

The accused was charged under ten specifications with having permitted soldiers under his command to torture, mistreat and kill many civilians and with having killed one civilian, and with having tortured and killed another civilian, all in violation of the laws of war.

On 5 October 1946 the Commission found the accused guilty and condemned him to death by musketry.

TRIAL OF YUZURU NAKAJIMA

49. The trial of Yuzuru NAKAJIMA began on 2 October 1946.

The accused was charged with having unlawfully and wrongfully permitted members of his command to brutally mistreat, torture and kill an unascertained number of Filipino civilians at or near the City of Bacolod, Occidental Negros Province, Philippine Islands, during the months of April and May 1944.

A four-man commission found the accused guilty and sentenced him to 5 years imprisonment at hard labor on 9 October 1946.

TRIAL OF AKIRA TAKESHITA

50. The trial of Akira TAKESHITA began on 4 October 1946. The accused was formerly a Sergeant in the Imperial Japanese Army, having been attached to the Intelligence Section of the 172nd Independent Infantry Battalion with Headquarters located on Negros Island during the period from January through August 1944.

The accused was charged with violating the laws and customs of war, more particularly in that he unlawfully mistreated, tortured and killed an unascertained number of Filipino civilians in Occidental Negros Province during the time that he was connected with the aforementioned battalion.

A four-man commission found the accused guilty and sentenced him to 25 years imprisonment at hard labor on 16 October 1946.

THEODORE R. C. KING
THEODORE R. C. KING
Major, Infantry (TD)
Executive Officer

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E-4(US)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 14

NOVEMBER 1946

STATISTICS & REPORTS

62 (10)

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 14
November 1946

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Part I

Japan

LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently, the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Expedition of War Crime Trials:

2. The Legal Section submitted to the Chief of Staff a check sheet commenting upon ways and means of expediting War Crimes Trials.

War Crimes:

3. Prepared memorandum for the Chief Legal Section on question of whether there is sufficient evidence to try a former Japanese officer as a war criminal for atrocities arising out of the trial of 14 Americans in Formosa under the Japanese Army Airman Act. It was recommended that there was a prima facie case against this Japanese officer and that he should be prosecuted as a war criminal.

War Criminals:

4. The British Liaison Division was advised by this Section that it was proper to search the home of a suspected war criminal at the time he was being investigated and prior to his confinement.

Formosans:

5. Submitted a check sheet to CPM to the effect that a Formosan, who is recognized as a Chinese National, would be sub-

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ject to trial in a Military Occupation Court for an offense committed in Japan, but that he may be arrested by the Japanese police prior to such recognition. However, the Japanese police authorities should not consider the release of the Formosan as an indication that all Formosans are ipso facto Chinese nationals nor should this arrest be made as a basis for questioning their authority to apprehend Formosans in the future.

Occupation Courts:

6. Submitted a check sheet to Statistical and Reports Section on the statistics of Military Occupation Court cases for the period 21 August to 20 September 1946. There were 1595 cases tried in Japan, of which there were 52 verdicts of "not guilty."

Claims of German Nationals for Personal Injuries by Japanese During War.

7. Two German Nationals were advised by this office that no machinery had been set up by Supreme Commander for the Allied Powers to entertain claims against the Japanese government for personal injuries alleged to have been committed by the Japanese police during the war. This is a matter for the Japanese government which still functions as a sovereignty.

Jurisdiction of Occupation Courts

8. In a conference with a representative of the Tokyo Military Government it was advised that Chinese nationals accused of selling poisoned food to the Japanese could be tried by a provost court of three members, one of whom should be a representative of China. They could not be tried by Japanese Courts which have no civil or criminal jurisdiction of United Nations Nationals.

Trading With the Enemy Act

9. A Staff Section of this Headquarters requested an opinion concerning the employment of a United States citizen in

Japan who is a dependent and desirous of being employed by a Japanese University. This Section rendered an opinion that such employment would come within the provision of the "Trading with the Enemy Act" and, therefore, would be illegal.

Japanese Labor Law

10. An opinion was submitted to the Economic and Scientific Section on the question of Japanese Labor Law. The problem involved was whether the Japanese law should contain explicit guidance as to what is a "Strike" or whether the interpretation of the work "Strike" should be left to the Japanese Courts. This Section advised that the interpretation of the work "Strike" should be left to the Japanese courts since, under the new constitution, the Japanese judiciary had assumed an independent role in the Japanese government and, consequently, it would be in keeping with the provisions of the organic act.

Education

11. When questioned on the matter this office advised the Civil Information and Education Section that the United States Fullbright Law which provides for the international exchange of teachers and students, would not apply as between the United States and Japan and that the problem of bringing to Japan American Students and teachers would be a matter of decision for the occupation authorities.

Marriage to Japanese Nationals by War Department Civilian Personnel

12. Advised a War Department Civilian employee that the legality of his marriage to a Japanese national was questionable since he had never registered the marriage, although he had gone through the usual Japanese family ceremony. Furthermore, he had attempted to marry, while a soldier, without permission, as required by Army Regulations, and a check-up indicated his permission to marry would not be granted at this time. He was

advised to follow-up the Diplomatic Section and G-1 on the matter of approving his purported marriage. However, whether this permission was granted or not, there was no known way he could, at the present time effect the entry of his Japanese fiancée or wife into the United States unless she could qualify for a visa as a visitor, student, or the like. It is the present policy not to grant such visas and, furthermore, transportation and other necessary facilities were denied by the Army in such cases at present.

Numerous other personal problems were answered and opinions rendered to personnel of this Headquarters on such matters as divorce laws in different states, copyrights, and citizenship.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

13. During the period 25 October - 24 November 1946, the Investigation Division completed numerous investigations and many more are in progress, a number of which will be reduced to signed statements.

14. Cases now in Investigation Division files are classified as follows:

	Cases on hand 25 Oct	Cases Received 25 Oct - 24 Nov	Cases Completed 25 Oct - 24 Nov	Cases on Hand 24 Nov	Reports Subm'td 25 Oct 24 Nov
POW Camp Conditions	7	4	-	11	9
POW Camp Atrocities	86	14	4	96	27
B-29 Fliers	252	4	8	254	89
POW Ship	50	4	2	52	26
Kempei Tai International Police	21	1	-	22	7
Miscellaneous	<u>262</u>	<u>111</u>	<u>21</u>	<u>352</u>	<u>117</u>
Total	684	138	35	737	275

APPREHENSION OF SUSPECTED WAR CRIMINALS

JAPAN

15. During the period 25 October - 24 November 1946, five memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 167 persons wanted for alleged War Crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File Number</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (31 Oct 46)	1305	1 Navy Officer
AG 000.5 (5 Nov 46)	1316	20 Army Officers 4 Army Enlisted Men 3 Navy Officers 1 Navy Enlisted Men 4 Civilians
AG 000.5 (5 Nov 46)	1317	23 Army Officers 8 Army Enlisted Men 9 Civilians
AG 000.5 (8 Nov 46)	1327	30 Army Officers 8 Army Enlisted Men 1 Navy Officer 5 Civilians
AG 000.5 (12 Nov 46)	1331	19 Army Officers 19 Army Enlisted Men 12 Civilians

16. By three memorandums the Imperial Japanese Government was notified of the change in status of 31 persons whose names had appeared on previous memoranda:

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>No. Persons</u>
AG 000.5 (1 Nov 46)	1307	5
AG 000.5 (5 Nov 46)	1315	21
AG 000.5 (12 Nov 46)	1332	5

17. On requests by this Section, 25 persons suspected of War Crimes interned in Sugamo Prison during the period 25 October-24 November 1946. At the present time, there are 793 persons interned in Sugamo Prison.

PROSECUTION OF WAR CRIMINALS

JAPAN

18. During the period 25 October - 24 November 1946, six trials were completed, and nine more were still in progress at the close of this report. To date 105 suspected war criminals have been tried, 101 being found guilty and four not guilty. Eleven of these found guilty received the death sentence. Four death sentences have been executed and seven are awaiting approval.

19. Fourteen new cases were referred to the Commanding General of the EIGHTH Army for reference to a military commission for trial. One hundred fifty new cases are in various stages of preparation, with thirteen additional prospective cases.

20. Statistics of war crimes trials completed in Japan:

	<u>DEFENDANT</u>	<u>OFF. CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1.	(KANEKO, Takio	Camp Comdr.	Capt.	5 Sept 14 Nov 1946	28 Years at hard labor
	(UCHIDA, Teshiharu	Sr Non Com Fukuoka #8	Sgt.		15 Years at hard labor
2.	(KONDO	Med Orderly	S/Pvt	1 Aug 1 Nov	12 Years at hard labor
3.	(NAKASAI, Matsujiro	Guard	Civ	1 Nov 8 Nov	20 Years at hard labor
4.	(GUNJI, Takenosuke	Sgt Maj	Sgt Maj	1 Nov 4 Nov	3 Years at hard labor
5.	(FUJII, Sannojo	Foreman	Civ	8 Nov 13 Nov	5 Years at hard labor
	(NICHIZAWA, Masao	Camp Comdr.	1st Lt.	12 Aug 1 Nov	Death by Hanging
	(CHIZUWA, Takeichi	Camp Comdr.	1st Lt.	*	Death by Hanging
6.	(KAWAMURA, Hiroshi	Interpreter	PFC		Death by Hanging

(KAMBE, Hatsuaki	Guard	Civ.	Life Imprisonment
(SHISHIDO, Shonusuke	Guard	Civ.	30 Years at hard labor
(IKEDA, Sukenobu	Civ Employee	Civ.	25 Years at hard labor
(YAMADA, Yoshitami	2nd in Comd. POW Camp	Sgt.	15 Years at hard labor

Trial of KANEKO, Takio and UCHIDA, Teshiharu

21. Takio KANEKO, former Lieutenant, later Captain, was Camp Commander at Fukuoka Prisoner of War Camp Number 5. The accused was charged with permitting men under his command to beat, mistreat and abuse the prisoners interned at the Fukuoka Camp. Other charges include: misappropriating Red Cross supplies, administering collective punishment for individual offenses, and the responsibility of forcing prisoners whose health was seriously undermined by malnutrition and disease, to perform arduous manual labor.

Teshiharu UCHIDA, former corporal and later sergeant, was a member of the camp staff of the Fukuoka Camp Number 5. He became second in command of the camp in July 1943. He was charged with the beating of prisoners and being involved in the deaths of several prisoners suffering from mistreatment and malnutrition. As second in command of the camp, he was also charged with command responsibility in failing to restrain the personnel under his command, and permitting them to commit cruel and inhuman acts against the prisoners.

Trial of Kenichi KONDO

22. Kenichi KONDO, formerly a Superior Private and medical orderly in the Japanese Army was stationed at the Headquarters Prisoner of War Camp and the Oeyama Prisoner of War Camp, Osaka. He was charged with violating the Laws and Customs of War in that he caused the deaths of several prisoners of war by mis-

treatment and failing to provide necessary medical treatment.

Trial of Matsujiro NAKASAI

23. Matsujiro NAKASAI, formerly employed by the Armed Forces of Japan at the Nagoya Area Prisoner of War Camp Number 1, Kamioka, Honshu, Japan, was charged with the brutal beating, kicking, disfiguring and the torture of American Prisoners of War interned at the Nagoya camp.

Trial of Takenosuke GUNJI

24. Takenosuke GUNJI, formerly a Sergeant in the Japanese Army was a member of the personnel at the Yokkaichi Prisoner of War Camp, Osaka Area, Honshu, Japan. He was charged with the brutal mistreatment, beating and torture of prisoners interned in the Yokkaichi Camp.

Trial of Sannojo FUJII

25. Sannojo FUJII was a civilian employed by the Nippon Iron factory company located near the Sendai Area Prisoner of War Camp Number 4, Ohuso, Honshu. He was in charge of the electrical shop where prisoners of war were compelled to labor. He was charged and tried for the torturous treatment that he gave to a prisoner working in the shop who had been suffering from beri-beri. Other specifications charged him with the mistreatment, abuse and beatings of numerous American and Allied Prisoners of War.

Trial of Masao NICHIZAWA, et al

26. Masao NICHIZAWA, a former Lieutenant in the Japanese Army and Commander of the Tokyo Area Prisoner of War Camp Number One, and Takeichi CHISUWA, also a former Lieutenant in the Japanese Army and succeeding Commander of the same camp and later of the Sendai Prisoner of War Camp Number One, were charged with unlawfully failing to restrain persons under their command from committing cruel, inhuman and brutal acts against prisoners

of war. They were charged with failing to provide adequate quarters, clothing, medical care and food which contributed to the deaths of numerous American and Allied Prisoners of War.

While under the command of NICHIZAWA and CHISUWA, Hiroshi KAWAMURA, Private First Class; Hatsuaki KAMBE, civilian guard; Yoshitami YAMADA, Sergeant; Shonusuke SHISHIDO, civilian guard; and Sukenobu IKEDA, civilian employee with the Armed Forces of Japan, were charged in common with the brutal beating, abuse and other mistreatment of American and Allied Prisoners of War, interned at the Tokyo Area Prisoner of War Camp.

AUSTRALIAN DIVISION

Investigation

27. In the period covered by this report, the Australian Division interrogated 22 Japanese, both military and civilian personnel, who have been called to Tokyo from various parts of Japan. Following months of preliminary investigations, it was suspected that they were principals in, had witnessed, or could furnish information about, various atrocities committed against Australians in the jungles of New Guinea and in out-post islands of the Pacific, or against natives in Australian mandated territories.

28. The investigations of a number of vague statements by natives alleging atrocities to have been committed by Japanese as far back as 1942, have been receiving the attention of this Division for many months. These activities have now resulted in several confessions of a highly important nature finally being secured.

29. One investigation that has been proceeding over a considerable period concerns the fate of two young Chinese children, one a child in arms. They disappeared in New Guinea in 1942, and

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have since been reported by high ranking Japanese Naval Officers to have been embarked in 1944 on a ship believed by the Japanese to have been sunk in convoy with all hands lost.

30. However, a few survivors of this 1944 convoy were traced, and submitted to exacting interrogations, as a result of which not one iota of evidence could be found in support of the Japanese statement that the Chinese children were on board one of those vessels, but instead there was eventually revealed one of the most appalling atrocities of which no previous suspicion existed.

31. It has now been discovered that the two Chinese children, together with 70 civilians, males and females of varying ages up to and over 70 years, many of them missionaries, were brutally massacred in March 1943 on a Japanese Destroyer. A platform was erected projecting beyond the deck of the Destroyer and the civilians were required to move singly or in pairs to the end of the platform whereupon they were machine-gunned, and their bodies permitted to fall into the sea. This massacre proceeded over a space of about three hours. A sworn statement from a former Naval Lieutenant on the destroyer have been obtained. The investigation into the fate of these children had become merged into others that were being simultaneously conducted into unsolved mysteries associated with the disappearance of Australian and other civilian personnel in the South West Pacific Area.

32. The uncovering of this hitherto quite unknown atrocity also revealed the names of the perpetrators of the beheading of an Australian Prisoner of War in New Guinea. This execution has been widely published by the reproduction in various journals of a photograph showing a Japanese with uplifted sword about to behead an Australian Prisoner of War, who had been forced to kneel at the side of his open grave. The Japanese officer who

ordered the execution and the digging of the grave, and who led the unfortunate victim to the site of the execution has made a sworn confession describing the details of the atrocity.

33. The unearthing of the facts about a further massacre at sea of a party of 39 native lepers, has also been developed to a stage where the securing of previously unsuspected evidence is now considered to be only a matter of a short time.

34. In addition to other investigations which have been initiated and are developing, may be reported the exposure of a false admission of guilt by a Japanese Naval Lieutenant Commander, who knowing that he would receive the death sentence for the murder of one Australian civilian, sought to protect four other Japanese by taking responsibility concerning the deaths of four more Australians.

35. During the current month two members of British Commonwealth Occupation Forces, former prisoners of war in Japan, have been made available to come to Tokyo for interview by this Division and the Legal Section Investigation Division. Also a total of 116 affidavits have been received from Australians, 26 for the Prosecution Division and 90 for the Australian Division in particular.

Apprehension

36. One apprehension request was submitted by the Australian Division during the current period. The order was for Lieutenant General YOSHIHARA, Chief of Staff to Lieutenant General ADACHI, Commander of the 13th Army at New Guinea.

Prosecution

37. During the month, verdicts were returned in the trial of Masao NICHIZAWA and six others. These seven accused were tried on charges of contributing to the deaths of three Australian Prisoners of War.

38. One other trial concerning Australian Prisoners of War was started but at the close of this report had not as yet been completed.

39. During the month charges and specifications on ten cases were filed by the Chief, Legal Section and forwarded to the Commanding General of the EIGHTH Army for reference to a military commission for trial.

BRITISH DIVISION

Investigation

40. Good progress has been made with regard to the development of cases concerning atrocities aboard ships. Thirty interrogations have been conducted and 15 important statements filed.

41. Two new cases have been uncovered. One concerning the execution of 22 prisoners of war at the former Japanese Naval Base at Singapore, and the other a series of atrocities committed by Japanese soldiers in the Gilbert and Ellis Islands.

Apprehension

42. The number of arrests requested during the month was 42, the smallest total since August and only one-third of the previous month's figures. The Japanese Government is now working on the arrest of 321 suspects, all of whom are wanted for crimes committed in the South East Asia Command.

43. During the period the arrest of two Vice Admirals and two Major Generals has been requested. Vice Admiral Shiro TAKASI will be sent to Hong Kong for the "SS Behar" atrocity in which many survivors were executed, and Vice Admiral IMAHURA will be sent to Singapore for trial for the responsibility of the execution of 22 American and English airmen by his officers and men in August 1945. The two Army officers were Major General HIRAI, a former Divisional Commander who served in Burma, and Major Gen-

eral Hiroshi TAKUMI, commander for the division responsible for the massacre of Chinese in Singapore during the Japanese occupation.

Prosecution

44. Six cases involving British subjects were completed at Yokohama during the month bringing the total cases tried with British interests to 32. Fourteen more cases were prepared during the month making a total of 33 ready for trial.

45. Sixty-seven affidavits were received from London and a further 112 requested. To date this Division has received 1098 affidavits from former prisoners of war now in England and other British territories.

46. During the current period 20 suspected war criminals were transported to Singapore by boat and four others were flown to Hong Kong to stand trial for alleged war crimes.

CANADIAN DIVISION

47. During the period of this report one case in which Canadians were involved was completed. At the close of the period one similar case was still in trial.

48. Three cases with Canadian interests were approved, signed by the Chief of Section and forwarded to the Commanding General, EIGHTH Army for reference to a military commission for trial.

49. More evidence in the form of affidavits and depositions has been obtained from former prisoners of war now residing in Canada for the purpose of preparing future cases and strengthening those already on file.

CHINESE DIVISION

Investigation

50. During the period 25 October - 24 November 1946 this Division, in the course of preparing a charge and specifications against a certain Japanese suspected of war crimes, interrogated seven Chinese nationals who were formerly prisoners of war in Japan and after their liberation remained in Tokyo to assist in the prosecution of war crimes cases. The accused has been apprehended and is at present interned in Sugamo Prison.

51. On behalf of the Australian Division of this Section, the Chinese Division requested Chinese authorities to obtain all available information about the former Japanese prisoner of war camps on Hainan Island, Southern China. This information will be used by the Australian Division in connection with investigations in which Australian interests are involved.

52. Several other investigations of Japanese war crimes atrocities of murder, maltreatment, and the beating of Chinese prisoners of war and internees were being conducted at the close of this period.

Apprehension

53. This Division was informed by various sources that a number of suspected war criminals have been returned to Japan as a result of discharge and retirement. This information has been forwarded to China for the purpose of ascertaining identification and making arrangements for their apprehension and transfer to China for trial. In response, this Division received instructions from Chinese authorities in Nanking to request the apprehension of a Japanese who is alleged to have been connected with the murder of 10,000 Chinese Prisoners of War during the "Rape of Nanking" in 1937. This suspect will be transferred to

China to stand trial before the Chinese Military Court in Shanghai.

Prosecution

54. At the present time, besides those cases already prepared, there are several more in the process of preparation. Witnesses have been brought from China to testify in war crimes trials and give eye-witness accounts of atrocities committed by accused.

Part II

PHILIPPINES

INVESTIGATION OF WAR CRIMINALS

Philippines

55. During the current period 21 October - 20 November 1946, several minor investigations were made on cases on trial during the period and on cases being prepared for trial. At the close of this period, 358 cases have been investigated and reviewed and forwarded to the Prosecution Division for trial preparation. At the present time three major cases and several minor cases are under investigation. No cases were closed and no new cases were opened.

56. The FS 208, a small Army transport ship assigned to the Manila Office, returned to Manila in early November after returning 35 witnesses to their homes in Negros Island. The ship later proceeded to Cebu, Bohol and Siquinor Islands where an investigating team conducted additional inquiries to determine the feasibility of opening certain cases in these areas. One team remained in Negros Island while the ship was traveling and did some additional investigating.

57. Two teams proceeded to Negros Island and Cebu Island by airplane for the purpose of doing additional investigation on cases presently being prepared for trial.

58. Two teams proceeded to Makassar, Celebes, Netherlands East Indies, by airplane to conduct additional investigation in cases involving the murder of several American airmen in that area. One of these teams is making an extensive investigation throughout the Celebes Islands for the purpose of locating eye witnesses to the murder of several American airmen.

59. The mission of this Division has recently been one of helping to expedite the rapid trials of all known war criminals now in custody. Toward this end all reports on untried cases are being reviewed and forwarded to the Prosecution Division for trial or prepared for reinvestigation.

APPREHENSION OF WAR CRIMINALS

Philippines

60. As of 21 November 1946, there were 690 Japanese prisoners of war detained in the Philippines for war crimes activities. Of this total figure 552 are identified war criminals, 121 are suspected war criminals, and 17 are being held as witnesses. Of the 552 identified war criminals, 420 remain to be tried and 132 have been executed or are in custody at Luzon Prisoner of War Camp #1 as condemned or sentenced war criminals.

61. Eighty-three Japanese prisoners of war were screened during this period and all of them were cleared for repatriation. There were 73 Japanese prisoners of war cleared at the requests of other Divisions due to insufficient evidence.

62. During the period of this report one suspected war criminal was transferred from Sugamo Prison, Japan, and four suspected war criminals were transferred from other camps in the Philippines to Manila where they are to be tried. There were nine prisoners of war detained during this period at the request of other Divisions.

PROSECUTION OF WAR CRIMINALS

Philippines

63. Four trials were completed during the period 21 October - 20 November 1946. In each of these four cases one defendant only was involved.

64. One new case was referred to the Commanding General, United States Army Forces, Western Pacific, for trial. One additional trial was started during the current period but was not completed at the close of this period. Fifteen new cases were assigned to prosecutors and are in the process of being

prepared for trial. There are approximately two hundred ninety additional prospective cases.

65. The following is a summary of the results of the war crimes trials in the Philippines from the first trial through 20 November 1946:

Total number of persons tried -----	150
Total number of persons convicted -----	144
Total number of death sentences -----	74
Total number of persons actually executed-	34

Statistics of War Crimes Trials Complete in Philippines

66.

<u>DEFENDANT</u>	<u>OFF. CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. (OHSUGI, Morikazu)	Comdr. 23rd Nav. Base, Celebes	Vice Adm'l.	1 Oct 31 Oct	Life Imprisonment
2. (NANJO, Masao)	Imp. Jap. Army	2nd Lt.	7 Oct 14 Nov	Death by Hanging
3. (WATANABE, Tadehi)	C.O. 2 Co. 174 Inf. Bn.	1st Lt.	23 Oct 26 Oct	15 Years Imprisonment
4. (KAWAMORI, Shuji)	C.O. Kempei Tai, Bacolod	1st Lt.	4 Nov 14 Nov	Life Imprisonment

Trial of Morikazu OHSUGI

67. The accused was charged with command responsibility for the willful and unlawful death of 13 unidentified American airmen who were prisoners of war, having been captured in November 1944 and July 1945. The charge was supported by two specifications alleging the death of nine of the airmen on 24 November 1944 and of the remaining four on 8 July 1945. The unlawful killings took place near Makassar and Kendari, both places being in the Celebes, Netherlands East Indies.

OHSUGI was formerly a Vice Admiral in the Imperial Japanese Navy, commanded the 23rd Special Naval Base in the Celebes, Netherlands East Indies, during the years 1944 and 1945.

Trial of Masao NANJO

68. The accused was charged with having violated the laws and customs of war. The charge was supported by seven specifications, six of which alleged personal participation in the killing of twelve Filipino civilians and one of which alleged command responsibility for the killing of one Filipino civilian. The killings all occurred in the vicinity of Bacolod, Negros Occidental, Philippines, during the months of January, July and December 1944 and February and April 1945.

NANJO formerly a 2nd Lieutenant in the Imperial Japanese Army, was under the command of Colonel Masakazu YAMAGUCHI, commander of the Japanese garrison on Negros Occidental, Philippines.

Trial of Tadashi WATANABE

69. The accused was charged with having unlawfully and wrongfully killed a Filipino civilian and with having unlawfully and wrongfully permitted members of his command to kill about ten Filipino civilians, at or near Barrio Fabrica, Sagay, Negros Occidental, during the months of June and July 1944.

WATANABE, formerly a 1st Lieutenant in the Imperial Japanese Army, was commanding officer of the 2nd Company, 174th Infantry Battalion, under the command of Colonel Satoshi OIE who is being charged as a war criminal.

Trial of Shuji KAWAMORI

70. The accused was charged with command responsibility for the mistreatment, abuse, torture and killing of Filipino civilians near Bacolod, Silay and Bago, all in Negros Occidental Province, Philippines, in November 1942, January, February and October 1943 and in January through April 1944.

KAWAMORI, formerly a 1st Lieutenant in the Imperial Japanese Army, was commanding officer of the Kempei Tai unit at Bacolod, Negros Occidental, from about October 1942 until June 1944.

Theodore R. C. King
THEODORE R. C. KING
Major Inf.
Executive Officer

RY/J/4/28.

E-4

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 15

DECEMBER 1946

STATISTICS & REPORTS

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 15
December 1946

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JAPAN

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Part II

PHILIPPINES

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PART I

JAPAN

LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Occupation Courts

2. A request was made to the Diplomatic Section to make available a representative for an occupation court for the trial of a French National.

3. A check sheet was submitted to the Statistics and Reports Section on the statistics of military occupation court cases for the period 21 October - 20 November 1946. There were 1183 cases tried in Japan of which there were 41 verdicts of not guilty.

4. Several check sheets were submitted requesting that representatives of China be appointed to sit on military occupation courts for the trial of Chinese Nationals.

Chinese - Illegal Entry into Japan

5. Submitted a check sheet to G-2 regarding disposition of postulated case of a Chinese illegally entering Japan from a port in China, posing as a Japanese repatriate. This section recommended that the Chinese is subject to the jurisdiction of the occupation courts and that he should be held in custody in an occupation force stockade, and the facts of the case reported to the provost court having jurisdiction over that area.

Superior Orders

6. Submitted for dispatch a letter to a defense counsel of the war crimes trials, AFWESPAC, concerning the case of Masao

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NANJO. Advised him that, under international law, the defense of a "superior order" is not inherent to the rights of an accused war criminal. Consequently, paragraph 345.1, FM 27-10 is interpreted to mean that a field commander may provide either that an accused may be accorded the defense of superior orders, or that a superior order may be considered in mitigation of punishment, or both. The present rules indicated the election made.

Contracts in Japan

7. Advised a British National in Japan, who made inquiries concerning present court action on a contract made in December 1941 for a sale of certain cotton goods. He was told that the Supreme Commander for the Allied Powers now controls sale of such material and that relief at this time is not available.

Advice to Judge Advocate General Section, Philippine Army

8. A letter was submitted to the acting Judge Advocate General, Philippine Army, wherein the Legal Section gave its opinion that a reserve officer, released from active duty, who is recalled to a second tour of duty, cannot be tried for an offense during his first tour of duty.

Criminal Code of Japan

9. Conferred with the Japanese Government with regard to the criminal code of Japan and its applicability to the Marshall Islands. This information was requested by the United States authorities in the Marianas for use in the trial of Japanese for the crime of murder in the Marianas. The Japanese government stated that its criminal code was applicable in the Marshall Islands.

Jurisdiction of Japanese Courts.

10. A conference was held with representatives from the Ministry of Justice in regard to the jurisdiction of Japanese Courts over Formosans. It was pointed out that, until the

Supreme Commander for the Allied Powers issues directives changing the status of Formosans, the Japanese Government will operate under existing directives.

Civil Jurisdiction over United Nations Nationals

11. Rendered advice that at the present time Japanese courts exercise no civil jurisdiction over United Nations Nationals attached to or accompanying occupation forces and hence, could not entertain a suit for divorce between two such persons.

Registration of Vessels

12. An opinion was submitted to the Chief of Staff that vessels purchased in Japan by Koreans, when such ships are under 100 gross tons, may be registered and operated in Korea. As for vessels over 100 gross tons, SCAPIN 259 and Japanese Ministry of transportation ordinance #40 prohibit transfer of any title to such vessel, and consequently title does not pass.

Koreans

13. Conferred with members of several Korean Associations with reference to discriminating laws against Koreans in Osaka. This section advised that such discriminating laws would be investigated and if necessary would be abrogated.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

14. During the period of this report the Investigation Division opened inquiries on 275 new cases, the majority of which were predicated upon crew manifests of missing planes, lost over Japan, just received from the Air Force. At this time it is believed that these investigations will not uncover many new atrocities but are necessary to clarify the status of the crew personnel involved and to corroborate the evidence perpetuated in the past.

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15. The investigations conducted for the past year have culminated in the completion of the final reports of the S. S. Arisan Maru and the S. S. Nitta Maru. Both ships were used as prisoner transports and were known for the infamous atrocities that occurred aboard them. Considerable progress has been made on the investigation of 14 more of the 39 remaining "Ship" cases. The British Division has assumed the job of investigating 15 additional transport cases.

16. Prisoner of war camp surveys have all been completed. At present the Japanese Camp personnel at Hokkadato are under interrogation, by members of the Sapporo Branch office of the Investigation Division, in connection with the treatment of prisoners of war at Hokkadato. The Fukuoka Branch office is placing emphasis on the completion of Western Army "B-29" cases throughout Kyushu. "B-29" cases are those cases in which members of air crews forced down in Japan were mistreated or murdered. The Tokyo office conducted simultaneous searches in seven locations throughout Japan. These searches resulted in a large volume of pertinent information for use of the British Division in their prisoner of war transportation cases.

17. During the period 50 clearances were used for prisoners held in Sugamo for transfer to South East Asia Command at Singapore.

18. Cases now in Investigation Division files are classified as follows:

	Cases on hand 25 Nov.	Cases received 25 Nov.- 24 Dec.	Cases closed 25 Nov.- 24 Dec.	Cases on hand 24 Dec.	Reports submitted 25 Nov. - 24 Dec.
POW Camp Conditions	11	1	1	11	20
POW Camp Atrocities	96	8	0	104	30
B-29 Fliers	254	142	3	393	26
POW Ship	52	4	2	54	19

	Cases on hand 25 Nov.	Cases received 25 Nov.- 24 Dec.	Cases closed 25 Nov.- 24 Dec.	Cases on hand 24 Dec.	Reports submitted 25 Nov.- 24 Dec.
Kempei Tai International Police	22	3	1	24	8
Miscellaneous	<u>352</u>	<u>185</u>	<u>18</u>	<u>519</u>	<u>259</u>
Total	787	343	25	1105	362

APPREHENSION OF SUSPECTED WAR CRIMINALS

JAPAN

19. During the period 25 November 1946 - 24 December 1946, seven memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 68 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File Number</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (23 Nov 46)	1360	5 Navy Officers 1 Navy Enlisted Man
AG 000.5 (25 Nov 46)	1362	2 Army Officers
AG 000.5 (30 Nov 46)	1369	1 Navy Officer
AG 000.5 (7 Dec 46)	1383	1 Army Enlisted Man 1 Civilian
AG 000.5 (10 Dec 46)	1389	2 Navy Officers
AG 000.5 (12 Dec 46)	1399	22 Army Officers 11 Army Enlisted Men 5 Navy Officers 18 Civilians
AG 000.5 (18 Dec 46)	1410	1 Navy Officer 2 Navy Enlisted Men

20. By 2 memorandums the Japanese Government was notified of the change in status of five persons whose names had appeared on previous memoranda.

<u>Date and File Number</u>	<u>SCAPIN</u>	<u>Number of Persons</u>
AG 000.5 (5 Dec 46)	1381	1
AG 000.5 (13 Dec 46)	1402	4

21. By four memorandums the Imperial Japanese Government was ordered to delete the names of four persons whose names had appeared on previous memoranda.

<u>Date and File Number</u>	<u>SCAPIN</u>	<u>Number of Persons</u>
AG 000.5 (2 Dec 46)	1373	1
AG 000.5 (10 Dec 46)	1385	1
AG 000.5 (13 Dec 46)	1400	1
AG' 000.5 (13 Dec 46)	1401	1

22. On request by this Section, 66 persons suspected of perpetrating war crimes were interned in Sugamo Prison during the period 25 November 1946 - 24 December 1946. At the present time, 2400 hours 24 December 1946, there are 834 persons interned in Sugamo Prison.

PROSECUTION OF WAR CRIMINALS

JAPAN

23. During the period 25 November - 24 December 1946, two trials were completed, and 12 more were still in progress at the close of this report. To date 108 suspected war criminals have been tried, 104 being found guilty and four not guilty. Eleven of these found guilty received the death sentence. Four death sentences have been executed and seven are awaiting approval.

24. Seventeen new cases were referred to the Commanding General of the EIGHTH Army for reference to a military commission for trial. One hundred forty-four new cases are in various stages of preparation, with fourteen additional prospective cases.

25. Statistics of War Crimes Trials completed during current period:

	<u>DEFENDANT</u>	<u>OFF. CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1.	(TSUDA, Koju	Guard	Civ.	18 Sept. 27 Nov. 1946	Life imprison- ment at hard labor.
2.	(TAGUSARI, Sakeo	Guard	Civ.	12 Dec. 23 Dec. 1946	22 years at hard labor
	(SATO, Shinnosuke	Guard	Civ.		15 years at hard labor

Trial of U. S. vs Koju TSUDA

26. Trial began on 18 September 1946 and after taking the testimony of a live witness was recessed until 18 November 1946.

The accused, Koju TSUDA, was a Japanese civilian employed by the Army. He was one of the personnel at the Sendai Prisoner of War Camp, Branch #1-B. He held the position of a civilian guard in charge of supplies and gardening at the Sendai Camp from 15 May 1943 to about 15 August 1945.

TSUDA was charged with causing the death of one prisoner and the brutal and inhuman mistreatment of numerous others held captive at the Sendai Camp. On 27 November 1946 the commission hearing the case found the accused guilty and sentenced him to "life imprisonment at hard labor."

Trial of the U. S. vs Sukeo TAGUSARI and Shinnosuke SATO

27. Court for the trial of these two accused convened on 12 December 1946. Both accused were civilian guards employed by the Northwestern Electric Manufacturing Iron Company, a concern employing prisoners of war held captive at the Sendai Prisoner of War Camp #10.

Prior to summation of the evidence by Counsel, both accused requested permission to address the Commission. Although this procedure was highly irregular, the Prosecution did not object. Each accused then made a statement admitting that they had beaten Prisoners of War on many occasions and extended the usual humble

apologies to the Commission for their victims. The accused were both found guilty: TAGUSARI received a sentence of 22 years at hard labor and SATO 15 years at hard labor.

AUSTRALIAN DIVISION

Investigation

28. Nineteen Japanese nationals were interrogated during the period under review and a similar number of sworn statements were taken in connection with investigations into various large-scale atrocities perpetrated against Australian servicemen and civilians, and against natives in Australian-administered territories between 1942 and 1945.

29. An important confession was obtained on 17 December 1946 by a former naval officer (SASAKI, Saburo) who, after months of strenuous denial, finally confessed to having participated in the murder of five Australian civilians on NAURU Island in 1943.

30. Further evidence was obtained by interrogation which tends to demolish a suspected pre-fabricated Japanese story that 32 Europeans, missing from New Ireland, were drowned when a Japanese vessel which is said to have transported them was bombed and sunk with all hands aboard in 1944. Several survivors from the ship in question have already been located and it appears that no Europeans ever boarded these ships. Evidence is accumulating that these 32 Europeans, were done away with in some manner, probably shot aboard the destroyer AKIKAZE mentioned in last month's report. Concerning the massacre aboard the AKIKAZE, which was mentioned in last month's report, further details have come to light after interrogation of three former crew members. It is now established beyond doubt that approximately 70 Europeans and 2 or three Chinese children were brutally executed aboard this destroyer. Investigations are under way to trace those responsible, some of whom, including the ship's captain,

are said to have been killed in subsequent actions.

31. Further evidence has been obtained which directly implicates former high-ranking naval officers in the execution by beheading of one Australian NCO and two natives at Aitape, New Guinea in 1943.

32. A regimental commander whose troops were responsible for the massacre of 150 Australian troops in the Rabaul area in 1942 was interrogated on 5 and 6 December 1946 and was asked to submit a written statement. He disappeared and the Japanese authorities have so far not located him again. Similarly, a former army medical officer attached to a battalion of the same regiment, and alleged to have performed an atrocious "operation" on an Australian soldier, went "underground" in reply to an official summons for interrogation. The police have not located him yet.

33. Several new cases have been opened during the period under review, including investigations into the execution of Australian Army personnel and airmen in island areas north of Australia.

Apprehension

34. Five requests for apprehension were submitted by this Division during the current period.

Prosecution

35. The trial of Lieutenant Narumi OOTA and 6 others accused of atrocities against Australian, American and Allied Prisoners of War at Naoetsu Camp No. 4-B, Niigata, Tokyo Area, which commenced on 21 November and is still in process at the close of this report.

BRITISH DIVISION

36. During the period 25 November 1946 - 24 December 1946 this Division carried out 54 interrogations which resulted in obtaining 27 sworn statements. During the period the Chief

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Naval Advisor War Crimes Section, South East Asia Land Forces arrived in Tokyo to review the progress made in the investigations of atrocities committed by units of the Japanese Navy.

37. The requests for the 41 more war crimes suspects were made bringing the total of outstanding requests to 463. At the close of this report there are 60 suspects interned in Sugamo Prison awaiting clearance and transfer to South East Asia.

38. Eight cases involving British subjects were completed at Yokohama bringing the total tried to 40. Fifty-five cases are at present awaiting reference to a commission for trial.

39. Seventy-three affidavits were received from London as a result of requests made on behalf of various divisions of the Legal Section. Seventy-nine new requests for affidavits were initiated in connection with the development of prisoner of war camp cases in Japan and further inquiries being made into transport cases.

40. Two British witnesses brought to Tokyo by arrangements made by this Division, testified in a war crimes trial currently in session in Yokohama, but which at the close of this report had not been completed. Two members of this Division testified before the International Military Tribunal on conditions of Prisoners of War and internees incarcerated in Java and Sumatra.

CANADIAN DIVISION

41. During the period of this report three cases, in which Canadian prisoners of war were involved were completed.

42. Additional specifications for a case with Canadian interests were forwarded to the Commanding General, EIGHTH Army, original charges and specifications having been previously referred for trial on 30 August 1946.

43. There are several cases in which Canadians are concerned in various stages of preparation of trial. There are also a number

of prospective cases still in the early phases of investigation.

CHINESE DIVISION

Investigation

44. During the period 25 November 1946 - 24 December 1946 this Division requested Chinese authorities in Formosa to obtain all information available about the mistreatment and execution of many Allied Prisoners of War and American airmen during the war in that area, which will be made available for introduction as evidence in several war crimes trials in Tokyo.

45. For the purpose of finding out all possible facts regarding an American aviator, shot down near Hankow, Central China, in September 1943, this Division advised the Lt. General Yokoyama ISAMU, who is at present interned in Sugamo Prison be interrogated, for he was the Commanding General of the 11th Army which occupied Hankow during the period of December 1942 November 1944. It is believed that General ISAMU might have some knowledge of the handling of said American Prisoner of War after he fell into Japanese hands. Furthermore, this Division requested Chinese authorities in Nanking and Hankow to conduct a complete inquiry on this case in China.

Apprehension

46. During the current period, this Division associated with Chinese Mission in Japan requested the apprehension and extradition of 34 former Japanese Army and Navy Officers to be tried as war criminals. These suspects will be transferred to China to stand trial before the Chinese Military Court in Nanking.

Prosecution

47. At present, beside the cases already prepared and referred, there are several more in the process of preparation.

PART II
PHILIPPINES

INVESTIGATION OF SUSPECTED WAR CRIMINALS

Philippines

48. During the current report period, 21 November to 20 December 1946, 29 cases were reopened for further investigation in the islands of Negros, Panay and Cebu. These cases are presently being investigated by teams from this office. Six minor cases were investigated in the Manila area. One case was reinvestigated and is now ready for trial.

49. This division has assumed the mission of checking all untried investigation reports to determine whether or not further investigation is required or if they are ready for trial. Thirty-four cases were turned over to the Prosecution Division for trial as no further major investigation was required.

50. An investigating team departed by airplane on 5 December for Negros Island for the purpose of doing some reinvestigation on cases reopened and for sending witnesses to Manila to testify in current war crimes trials. This team was joined by another investigating team which proceeded by air from Manila on 14 December 1946.

51. The FS 208, a small Army transport ship assigned to the Manila office, returned to Manila in early December with 72 witnesses for the Oie case. The ship departed Manila for Negros, Panay and Cebu Islands on 13 December with an investigating team aboard to return witnesses to their homes in Negros Island and to conduct additional investigations in these areas.

APPREHENSION OF SUSPECTED WAR CRIMINALS

Philippines

52. As of 21 December 1946, there were 693 Japanese prisoners of war detained in the Philippines for war crimes activities. Of this total figure 566 are identified war criminals,

108 are suspected war criminals, and 19 are being held as witnesses. Of the 566 identified war criminals, 434 remain to be tried and 132 have been executed or are in custody at Luzon Prisoner of War Camp #1 as condemned or sentenced war criminals.

53. There were 17 Japanese prisoners of war cleared at the requests of other Divisions due to insufficient evidence or lack of proper witnesses.

54. During the period of this report three suspected war criminals were transferred from Sugamo Prison, Japan. There were 20 prisoners of war detained during this period at the request of other Divisions.

PROSECUTION OF SUSPECTED WAR CRIMINALS

Philippines

55. During the period of this report, six new cases were referred to the Commanding General, Army Forces, Western Pacific for trial in Manila, three trials were in session during the period but were not completed at the close of this report, two new additional cases were convened but they also had not been completed as of 20 December 1946. Thirteen new cases were assigned to prosecutors and are in the process of being prepared for trial. There are now approximately 250 prospective cases on file.

56. The following are statistics of the results of war crimes trials in the Philippines from the first trial through 20 December 1946:

Total number of persons tried - 150

Total number of persons convicted - 144

Total number of death sentences - 74

Total number of persons actually executed - 34

W. H. Ketcham for
THEODORE R. C. KING
Major Inf.
Executive Officer

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 16

JANUARY 1947

STATISTICS & REPORTS

7

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 16
January 1947

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Part II

PHILIPPINES

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LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Appointment of Counsel

2. A letter was submitted to the Commanding General, EIGHTH Army, regarding the appointment of two Legal Section Lawyers as special advisory defense counsel in the trial of the Japanese implicated in the Shibuya incident.

Steel Helmets - Japanese Police

3. A Check Sheet was submitted to the Operations Division, CIS (Criminal Investigation Section), advising them that there is no legal objection to authorizing Japanese police to retain their steel helmets and gas masks for use in performance of their duties.

Appointments of Representatives to Provost Courts

4. A radio was dispatched to the Commanding General, EIGHTH Army advising of the appointment of a member of the French Section of International Prosecution Section, Supreme Commander for the Allied Powers, for a Provost Court which will try a French National at Headquarters, I Corps.

Also the name of a Chinese representative was submitted for Occupation Court duty with the EIGHTH Army.

Superior Orders

5. Submitted a letter to the defense Counsel, Headquarters Philippine-Ryukus Command, informing him that, under International Law, the defense of a superior orders is not inherent to the rights of an accused war criminal and that a field commander may elect to provide either that an accused may be accorded the defense of superior orders or that a superior order may be considered in mitigation of punishment or both.

Religious Organizations

6. Submitted a Check Sheet to the Office of the Deputy Chief of Staff with reference to Japanese laws regarding religious organizations. Informed him that a foreign religious organization could legally possess title to land and building in Japan, except in areas designated by the Japanese government as defense areas.

Military Government Courts

7. A member of this Division lectured to EIGHTH Army Military Government legal officers on Military Government Courts, Imperial Ordinance 311, and the status of Chinese, Formosans, and Koreans.

Publications

8. A conference was held with representatives of the Civil Censorship Department regarding the punishment of Japanese for publishing obscene literature. This Section advised that the publication of such material is a violation of the press code and could be punished by the Japanese police.

War Crimes against Indian Nationals

9. Political representatives of India in Japan requested the Supreme Commander for the Allied Powers to furnish the number of Japanese convicted or awaiting trial for war crimes against Indian civilian nationals in the Far East. Legal Section in preparing the reply stated that under the Supreme Commander for the Allied Powers' jurisdiction there are no such cases. However, there were approximately 162 Indian military prisoners of war in various Japanese mixed camps. Thus far, for war crimes committed in these mixed camps, one Japanese has been tried and sentenced to 15 years imprisonment and another is awaiting trial.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

10. During the month the Investigation Division opened 113 new cases concerning war crimes and suspected war criminals. Of this number opened 33 were investigated on request of the British Division.

The case of Jose Laurel, puppet president of the Philippines during the Japanese occupation, was reopened upon receipt of a request for such

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action from the Solicitor General of the Philippines. It was desired that certain individuals be contacted and interrogated.

11. After many months of intensive exhaustive investigation a final effort is being made to bring the perpetrators of the "Palawan Massacre" to trial. Extensive research has divulged the details of the wanton slaughter of American Prisoners of War by forcing them into dugouts, then burying them alive. One of the nine survivors of this massacre has been located. It is hoped that statements and personal identification of the perpetrators, will culminate in closing the case and make it ready for trial.

12. Fifth additional investigations have been opened on crew manifests of missing aircraft. These investigations will clarify the "missing in action" status of lost air crewmen.

13. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 Dec.	Cases Received 25 Dec.- 24 Jan.	Cases closed 25 Dec.- 24 Jan.	Cases on hand 24 Jan.	Reports Submitted 25 Dec.- 24 Jan.
POW Camp Conditions	11	2	4	9	5
POW Camp Atrocities	104	6	-	110	15
B-29 Fliers	393	6	5	394	8
POW Ship	54	1	-	55	1
Kempei tai International Police	24	1	-	25	3
Miscellaneous	519	102	10	611	125
Total	1105	118	19	1204	157

APPREHENSION OF SUSPECTED WAR CRIMINALS

Japan

14. During the period 25 December 1946 - 24 January 1947 eight memorandums were issued, directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 120 persons wanted for alleged war crimes activities.

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ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (6 Jan 47)	1439	3 Army Officers 1 Army Enlisted Men 2 Navy Officers 3 Civilians
AG 000.5 (10 Jan 47)	1455	19 Army Officers 6 Army Enlisted Men 4 Navy Officers 7 Civilians
AG 000.5 (10 Jan 47)	1456	13 Army Officers 5 Army Enlisted Men 3 Navy Officers 13 Civilians
AG 000.5 (15 Jan 47)	1467	6 Army Enlisted Men
AG 000.5 (15 Jan 47)	1468	10 Army Officers 2 Army Enlisted Men 3 Navy Officers 4 Civilians
AG 000.5 (20 Jan 47)	1476	2 Navy Officers
AG 000.5 (20 Jan 47)	1477	1 Army Enlisted Men 1 Navy Enlisted Men
AG 000.5 (20 Jan 47)	1478	1 Army Officer 1 Civilian

15. By four memorandums, the Imperial Japanese Government was notified of the change in status of 13 persons whose names had appeared on previous memoranda.

<u>Date and File No.</u>	<u>SCAPIN</u>	<u>No. Persons</u>
AG 000.5 (23 Dec 46)	1423	1
AG 000.5 (3 Jan 47)	1449	4
AG 000.5 (15 Jan 47)	1471	6
AG 000.5 (22 Jan 47)	1481	2

16. By six memorandums, the Imperial Japanese Government was notified of the deletion of eight names which had appeared on memorandums for apprehension issued previously.

<u>Date and File No.</u>	<u>SCAPIN</u>	<u>Number of Persons</u>
AG 000.5 (23 Dec 46)	1417	3
AG 000.5 (24 Dec 46)	1419	1
AG 000.5 (28 Dec 46)	1425	1
AG 000.5 (28 Dec 46)	1424	1
AG 000.5 (30 Dec 46)	1429	1
AG 000.5 (15 Jan 47)	1469	1

17. On request of this Section, 41 suspected war criminals were interned in Sugamo Prison during the period 25 December 1946 - 24 January 1947. At the present time there are 360 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

JAPAN

18. During the period 25 December 1946 - 24 January 1947, six trials were completed by this Division. At the close of the period on 24 January, there were seven trials in progress. In addition to those cases tried and being tried, 5 cases were referred to the EIGHTH Army for reference to a military commission and trial. At the present time there are 165 cases in various stages of preparation and nine additional prospective cases.

19. Statistics concerning the war crimes trial held in Yokohama are as follows: to date 116 defendants have been tried, 112 have been found guilty and 4 not guilty. Eleven of the 112 accused found guilty have been given the death sentence. Four death sentences have been executed, one approved and awaiting execution and six awaiting approval by the convening authority. The remaining war criminals found guilty were sentenced to terms ranging from one year to life imprisonment.

20. Statistics of war crimes trials completed in Japan during the current period:

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1 (Toshitsugo YAMANAKA (((Teruo SHIBATA ((Kensako BABA (	Guard Clerk Clerk	Private Private Civilian	5 Dec - 11 Dec 46	4 years Imprisonment 4½ years Imprisonment 5 years Imprisonment
2 (Kanechi KONDO (	Interpreter	Private	23 Dec - 24 Dec 46	1 year Imprisonment
3 (Tomoki NAKAMURA (	Camp Commander	Lt.	13 Sept - 23 Dec 46	12 years Imprisonment
4 (Morizo SHINJO (	Guard	Civilian	6 Jan - 21 Jan 47	23 years Imprisonment

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
5 (Hiroshi FUJII (	Med. Off.	2nd Lt.	3 Sept 46 30 Dec 46	12 years Imprisonment
6 (Tetsutoshi YANARU	Camp Commander	1st Lt.	16 Sept 46 22 Jan 47	15 years Imprisonment

Trial of Toshitsugo YAMANAKA et al

21. The three accused were members of the staff of the Tokyo Prisoner of War Camp #3-D, Tokyo, Japan. They were charged jointly with beating a prisoner of war so severely it resulted in the victim being hospitalized for a week or more.

Trial of Kaneichi KONDO

22. The accused was formerly a three star Private serving with the Armed Forces of Japan. He was charged with beating three prisoners of war daily for six to ten days. It was also charged that the accused at divers times beat numerous other prisoners of war.

Trial of Tomoki NAKAMURA

23. The accused was a former Lieutenant in the Japanese Armed Forces. He was commander of the Osaka Zosen Dispatch Camp, Yokohama, Tsurumi, Honshu, Japan. He was charged with the command responsibility for the misappropriation and conversion to his own use Red Cross Supplies intended for the benefit of the prisoners of war.

It was alleged that the accused unlawfully disregarded and failed to discharge his duty as camp commander in that he neglected to provide adequate food, quarters, heat sanitary conditions, medicines, medical care and safe working conditions thereby contribution to the serious disability of Allied Prisoners of War. It was also alleged that the accused permitted persons, members of his command and under his supervision, to commit cruel and brutal acts, atrocities and other offenses against American and Allied Prisoners of War.

Trial of Morizo Shinjo

24. The accused was formerly employed by the Japanese Armed Forces as a civilian guard, at the Yokkaichi Branch, Prisoner of War Camp,

Osaka Area. When the administration for this camp was changed from the Osaka Area to the Nagoya Area the Camp became known as the Nagoya Sub-Camp #5.

The accused was charged with having participated in several group beatings, during which the victims were beaten with clubs, shoes, ropes, and anything else handy. Prisoners also are said to have been suspended by their wrists from ladders and had salt rubbed into their wounds. Others were made to kneel on sharp rocks and while in that position they were beaten and tortured.

Trial of Hiroshi FUJII

25. The accused was a former Second Lieutenant and medical officer in the Armed Forces of Japan, he was attached to the Tokyo Headquarters Prisoner of War Camp, Omori. He was sent by the commanding officer of that camp to the various camps in the Tokyo Area. FUJII was a traveling doctor and would only be at a camp for a week or two at the most. He is a graduate of one of Tokyo's medical schools but is only qualified as a physician. This, however, apparently did not deter him from practicing surgery on the prisoners of war. He is alleged to have performed many acts of malpractice such as operating under the influence of liquor. In addition to this he was charged with a number of beatings.

Trial of Tetsutoshi YANARU

26. The accused was a Second Lieutenant in command of the Fukuoka Prisoner of War Camp #5, Omine, Kyushu, Japan. He was in command of the camp from the day prisoners first arrived there until July 1943.

As first commander of this camp, the accused, instituted what the prisoners referred to as a "Reign of Terror". He is not named as the perpetrator of the many severe beatings but is charged with personally ordering and inciting the camp staff in this brutal mistreatment of the prisoners. The prisoners at this camp were forced to work in the Omine Coal Mine under very dangerous conditions, while suffering from malnutrition and all other sorts of diseases. The food was inadequate from the beginning and the Red Cross supplies were withheld and misappropriated.

BRITISH DIVISION

27. During this period the British Division conducted 32 interrogations which resulted in 23 sworn statements being taken. A surprise search by members of the British and Investigation Divisions, Legal Section, of the Shipping transport command records at Hiroshima, proved most fruitful and resulted in the seizure of documents of great value to the development of prisoner transport cases.

Apprehension

28. During the period this Division submitted requests for the apprehension and incarceration of 31 more Japanese suspected of having committed war crimes. At present there are 70 Suspects now in Sugamo Prison, on request of this Division, awaiting transfer to the South East Asia command. There are still 470 requests for apprehension of war criminals that have not yet been interned.

Prosecution

29. The trial of four cases involving British subjects were completed at Yokohama bringing the total number of trials with British interests completed to 44. Nine cases concerning British subjects are now being heard and a further 54 have been prepared and are ready for trial.

30. 51 affidavits have been received from London in answer to requests made of this Division from the various Divisions of Legal Section. Fourteen new requests were initiated in connection with cases in Japan and the Sea Transport Cases.

CANADIAN DIVISION

31. A member of this Division participated in one trial which was completed during the period. At the close of this report there were two others still in session. The case completed was the Trial of Tetsutoshi YANARU (see paragraph). In one of the cases in session two of the accused were severed from the charges. One of the accused was found to be mentally unbalanced and the other is under a doctor's care for pneumonia.

32. At present there are a number of additional cases in preparation for trial, and a number of cases which are still being studied, all of which Canadian interests are involved.

CHINESE DIVISION

Investigation

33. During the period of 25th December 1946--24 January 1947 this Division obtained additional evidence concerning Japanese atrocities conducted in China, which has been forwarded to China for further investigation and consideration for prosecution.

34. This Division, during the current period, checked all investigation reports in which Chinese interests were concerned for the purpose of deciding whether or not further investigations in the homeland of Japan are required.

35. In response to the requests of various divisions, this Division furnished several reports with reference to a number of suspected war criminals.

Apprehension

36. During the period of this report, the apprehension and internment of two more suspected war criminals, Vice Admiral Ryoza FUKUDA and Private Sundyochi YAMANAKA, were completed. They will be transferred from Sugamo Prison, Japan, to China to stand trial before the Chinese Military Court in Nanking.

37. This Division was informed that three suspected war criminals who were connected with the massacre of 5000 Chinese in Malaya were incarcerated in Sugamo Prison at the request of British Division. These suspects will be transferred to Singapore for trial.

Prosecution

38. At the present time, besides those cases already prepared, there are several more in the process of preparation. One witness arrived in Tokyo during the period at the request of this Division. He will give eye-witness accounts of atrocities committed by the accused.

PART II

PHILIPPINES

INVESTIGATION OF SUSPECTED WAR CRIMINALS

Philippines

39. During the current report period, 21 December 1946 to 20 January 1947, 65 cases were forwarded to the Review Division and with the recommendation that they be closed. Five cases were reopened for further investigation in the islands of Pomblon and Mindanao. Investigators on temporary duty in the southern islands completed the re-investigation of 12 cases in the islands of Negros, Panay and Cebu and are presently in the process of re-investigating cases in Bohol. As a result of the 12 re-investigations completed during this period, six cases of atrocities in Cebu and one in Negros have been forwarded to the Prosecution Division for trial and five cases have been recommended closed. There were no new reports of atrocities for investigation received this month.

40. All remaining untried reports have been checked, and of this number, 70 will be recommended for trial, 125 will be recommended closed, and 34 are pending study by the Review Division to determine their legal sufficiency.

41. The FS 208, a small Army transport assigned to the Manila office returned to Manila from the southern islands on 13 January with 30 witnesses on board. The ship departed from Manila for Cebu on 18 January with an investigating team aboard for the purpose of conducting additional investigation and returning witnesses to Manila for current trials.

42. Several witnesses were sent to Manila by airplane during the period of this report.

APPREHENSION OF SUSPECTED WAR CRIMINALS

Philippines

43. As of 20 January there were 637 Japanese prisoners of war detained in the Philippines for participating in war crimes activities. Of this total figure 510 are identified war criminals, 107 are suspected

war criminals, and 20 are being held as witnesses. Of the 510 identified war criminals, 410 remain to be tried and 100 are in custody at Luzon Prisoner of War Camp #1 as condemned or sentenced war criminals.

44. There were 25 Japanese prisoners of war cleared at the requests of other Divisions due to insufficient evidence or lack of proper witnesses. One war criminals upon whom charges had been served died at Lupow Camp #1 of tuberculosis shortly prior to his trial.

45. During the period of this report there were no suspected war criminals transferred from Sugamo Prison, Japan. There were four prisoners of war detained during this period at the request of other Divisions.

PROSECUTION OF SUSPECTED WAR CRIMINALS

Philippines

46. Two trials were completed during the period 21 December 1946 to 20 January 1947. Six new cases were referred to the Commanding General, Philippine-Ryukyus Command, for trial. Four additional trials were commenced during the current period. Five trials were not completed at the close of this report period. Twenty new cases were assigned to Prosecutors and are in the process of being prepared for trial. There are approximately 232 additional prospective cases.

47. The following are statistics of the results of the war crimes trials completed in the Philippines from the first trial through 20 January 1947:

Total number of persons tried.....	153
Total number of persons convicted.....	147
Total number of death sentences.....	75
Total number of persons actually executed.....	34

48. The following shows the results of war crimes trials completed in the Philippines during the period 21 December 1946 - 20 January 1947:

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1 (Sadaaki KONISHI	Supply Officer	W/O	23 Nov 46 15 Jan 47	Death by Hanging
2 (Yukitsuma TANAKA	Navy EM	2c PO	8 Jan 47 13 Jan 47	30 years Imprisonment
(Yoshinori HAYASHI	Navy EM	W/O		30 years Imprisonment

Trial of Sadaaki KONISHI

49. The accused was charged with participation in the killing of numerous Americans, Filipinos, and Chinese in and around Los Banos during the early part of 1945. He was further charged with responsibility in devising, aiding and abetting a policy of gradual starvations of American civilian internees at Los Banos Internment Camp in the latter part of 1944 and extending through February 1945.

The accused, formerly a Warrant Officer in the Imperial Japanese Army, was in charge of food supply at the Los Banos Internment Camp from the 1st of September 1944 until its liberation on 23 February 1945. On or about the 2nd of March, he is alleged to have been attached to the Saito Battalion of the 17th Regiment of the 8th Division.

The four-man commission sentenced the accused to death by hanging on 15 January 1947.

Trial of Yukitsuma TANAKA and Yoshinori HAYASHI

50. The defendants TANAKA and HAYASHI were charged with violating the laws and customs of war, in that they wrongfully and unlawfully did kill two unknown Americans, both members of the Armed Forces of the United States of America, who were then prisoners of war, by striking them with sabers. Each of the defendants was the perpetrator and actually beheaded an American. Both were enlisted personnel of the Japanese Navy.

The accused were both found guilty and sentenced to 30 years imprisonment at hard labor.

Theodore R. C. King
THEODORE R. C. KING
Major Inf. (TD)
Executive Officer

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British

E-4 (Br)

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 17

FEBRUARY 1947

STATISTICS & REPORTS

R3 / FE / 14 / 10

LEGAL SECTION
GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS

File No. 319.1

Monthly Summation No. 17
February 1947

C O N T E N T S

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Part II

PHILIPPINES

Investigation of War Criminals
Apprehension of War Criminals
Prosecution of War Criminals

PART I

JAPAN

LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported as follows:

Japanese Labor Leader

2. Kojiro Watanabe, a Japanese labor union leader, was arrested and sentenced for calling a union meeting without giving 48 hours notice to the Japanese police. The problem presented here is a conflict between orders issued in the interest of public safety clash, requires close supervision and constant observation by the proper authorities. Therefore, the Economic and Scientific Section was advised that the proper procedure in this matter is to submit the facts to the EIGHTH Army for investigation and corrective action if necessary.

Confinement of War Criminals

3. Recommended and received approval of suggested change in form of designation of place of confinement in the review of cases involving convicted Japanese War Criminals because of over-crowded conditions in Sugamo Prison. Philippines-Ryukus Commission was advised of the approval of designation to read: "Sugamo Prison, Tokyo Japan, or at such other place as higher authority may direct, is designated as the place of confinement.

Provost Courts

4. A radio was sent to the Commanding General of the EIGHTH Army making available for appointment a member of the Chinese Mission in Japan to sit on a Provost Court trial of four Chinese Nationals at Yokohama Base. Also advised appointment of British representative on Provost Court trials in IX Corps and Twenty-fourth Division Areas

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because of no Chinese representative being available at the present time.

A radio was dispatched to the Commanding General, EIGHTH Army, advising of the appointment of the Chief of the Chinese Mission Branch at Osaka on a Provost Court for the trial of a Chinese National in I Corps Area. Confirmed nationality of an accused and authorized designation of an American as a substitute for a Chinese representative, the latter being unavailable to sit on a British Commonwealth Occupation Forces Provost Court Trial for said accused.

The Commanding General, EIGHTH Army, was advised of appointment of a Chinese representative to sit on Provost Court Cases in the First Cavalry Division Area, said cases involving Chinese nationals.

The Commanding General, EIGHTH Army, was advised by radio that a Chinese representative was not available for the trial of five Chinese nationals in the Eleventh Airborne Division Area and, therefore, a member of the British Commonwealth Occupation Forces could be designated as a substitute member on the Provost Court in this instance. Also informed the Commanding General, EIGHTH Army, that the Chief of the Chinese Mission Branch at Nagasaki has been made available for appointment on the Provost Court trial of a Chinese national at Fukuoka, Kyushu.

Confessions of Accused against Co-Defendants

5. A radio, received from Commanding General, Philippines-Ryukus Command, asked Legal Section to advise on the ruling of International Tribunal as to the admissibility of confessions of accused against co-defendants. The record of the Tribunal's rulings was checked and conclusion was reached that, in effect, the confession of one defendant cannot be used against other defendants. (. . .)

Ownership of Impounded Ship Questioned

6. The Kosie Maru ship was impounded by American port officials at Okinawa and authorized sailing orders requested. The captain of

the ship claimed that it belongs to the "Government of the Island of Formosa," which was denied by the Governor of Formosa. The captain then stated that the vessel belongs to a "commercial department" in China, whereupon the Chinese Mission in Japan radioed the Chinese representative at Okinawa requesting proof of the ship's Chinese nationality and, if unavailable, suggesting that the "American authorities deal with the matter as they see fit" and deport the 14 Formosans on board to Formosa, if so desired. Legal Section advised G-2 to inform the Commanding General, Philippine-Ryukus Command that further action will be left within his discretion.

Conferences

Punishment for Violation of SCAP Directive

7. Conferred with Fisheries Division, Natural Resources Section, with reference to punishment of captain of Japanese fishing boat for violation of SCAP directive. The Fisheries Division had previously been advised by the Legal Division of the Economic and Scientific Section that the only means by which punishment could be had would be by new SCAPINs to the Imperial Japanese Government. However, this Section advised that the present procedure, namely: prosecution under Imperial Ordinance 311 - would be ample to punish this offender.

Imperial Ordinance 311

8. Conferred with representative from Ministry of Justice, Imperial Japanese Government, with reference to prosecution in Japanese courts under Imperial Ordinance 311.

Meaning of "General Strike"

9. Discussed with representatives of Department of Justice, Imperial Japanese Government, the meaning of "General Strike" as set forth in General MacArthur's proclamation.

Legal Advisor to Chinese Mission

10. Discussed general legal problems of mutual interest with legal advisor to Chinese Mission.

Trial of Japanese Possessing U. S. Army Goods

11. Conference with EIGHTH Army Liaison Officer to SCAP with reference to trial in Provost Courts of some Japanese who are convicted of having in their possession Army goods, which they claimed to have found after certain U. S. Army units moved. Legal Section advised that this subject would be discussed with the Imperial Japanese Government representatives in order to ascertain the extent of these convictions, before taking further action.

Japanese Prisoners Repatriated from Korean Prisons

12. Discussed with officials of the Prison Affairs Bureau, the Imperial Japanese Government, the subject of Japanese prisoners convicted in Korea who have been repatriated to prisons in Japan. Information was requested as to procedure in payment of fines by these prisoners in Japan; the Legal Section advised that investigation should be made to be sure that the fines had not been paid in Korea. If this were so, the name of the bank and the account should be ascertained and forwarded to this Section, which will maintain liaison with the Economic and Scientific Section Finance Division and SCAP Fiscal Director for payment of these fines.

Disposition of Filipino Stowaway

13. Advised G-1 that a Filipino stowaway, aboard a Japanese repatriation ship, who was apprehended in Japan, should be returned to the Philippines on a Japanese ship at Japanese expense - on the theory of negligence of the Japanese captain who permitted the stowaway to get aboard.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

14. During the period 25 January - 24 February 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

15. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 Jan.	Cases received 25 Jan - 24 Feb	Cases closed 25 Jan 24 Feb	Cases on hand 24 Feb	Reports submitted 25 Jan - 24 Feb
POW Camp Conditions	9	1	1	9	31
POW Camp Atrocities	110	12	2	120	51
B-29 Fliers	394	208	24	578	95
POW Ship	55	1	6	50	37
Kempei Tai International Police	25	3	2	26	14
Miscellaneous	<u>611</u>	<u>93</u>	<u>44</u>	<u>660</u>	<u>343</u>
Total	1204	318	79	1443	571

APPREHENSION OF SUSPECTED WAR CRIMINALS

JAPAN

16. During the period 25 January 1947 - 24 February 1947, nine memorandums were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 183 persons wanted for alleged war crimes activities.

Orders for Apprehension

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (27 Jan 47)	1491	1 Navy Officer * 1 Navy Enlisted Man 11 Civilians
AG 000.5 (29 Jan 47)	1496	16 Army Officers 5 Army Enlisted Men 1 Navy Officer 6 Civilians
AG 000.5 (1 Feb 47)	1502	1 Army Enlisted Man
AG 000.5 (1 Feb 47)	1503	2 Army Officers
AG 000.5 (5 Feb 47)	1506	18 Army Officer 9 Army Enlisted Men 6 Navy Officers 6 Navy Enlisted Men 6 Civilians

AG 000.5 (10 Feb 47)	1516	1 Navy Officer
AG 000.5 (11 Feb 47)	1517	17 Army Officers 7 Army Enlisted Men 1 Navy Officer 1 Navy Enlisted Man 18 Civilians
AG 000.5 (13 Feb 47)	1525	1 Navy Officer
AG 000.5 (19 Feb 47)	1531	16 Army Officers 11 Army Enlisted Men 4 Navy Officers 1 Navy Enlisted Man 16 Civilians

17. By three memorandums the Imperial Japanese Government was notified of the deletion of four names which had appeared on previous apprehension memorandums.

AG 000.5 (24 Jan 47)	1485	1 Person
AG 000.5 (15 Feb 47)	1529	2 Persons
AG 000.5 (5 Feb 47)	1507	1 Person

18. By three memorandums the Imperial Japanese Government was notified of the change in status of three persons whose names had appeared on previous memorandums.

AG 000.5 (29 Jan 47)	1494	1 Person
AG 000.5 (14 Feb 47)	1528	1 Person
AG 000.5 (20 Feb 47)	1536	1 Person

19. During the period memorandums were issued: AG-000.5 (8 Feb 47) 1515, releasing 1 person to the hospital; AG 000.5 (12 Feb 47) 1524 ordering temporary release for 1 man; AG 000.5 (6 Feb 47) 1510, 1 person; AG 000.5 (25 Feb 47) 1514, 1 person; AG 000.5 (5 Feb 47) 1508, 1 person, placing these three persons under house arrest.

20. On requests of the Legal Section there were 76 suspected war criminals interned in Sugamo Prison during the period 25 January - 24 February 1947. At the present time there are 977 persons interned in Sugamo Prison.

PROSECUTION OF WAR CRIMINALS

JAPAN

21. During the period 25 January 1947 - 24 February 1947, 12 trials were completed. At the close of the period there were 6 trials in progress. In addition to these cases tried and being tried, 5 cases were referred to the EIGHTH Army for reference to a military commission and trial. At the present time, there are 168 cases in various stages of preparation and there are 9 additional prospective cases.

22. Statistics concerning the war crimes trials held in Yokohama are as follows: to date 148 defendants have been tried, 144 have been found guilty and 4 not guilty. Nineteen of the 144 accused found guilty have been given the death sentence. Five death sentences have been executed and 14 are awaiting approval by the convening authority. The remaining 121 war criminals found guilty were sentenced to terms ranging from one year to life imprisonment.

23. Statistics of war crimes trials completed in Japan:

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1 (Sukeo NAKAJIMA	Camp		29 Nov 46	Death by
(	Commandant	Capt.	21 Feb 47	hanging
(
(Harumi KAWATE	Guard	Civ.		Death by
(				hanging
(
(Tamotsu KIMURA	Guard	Civ.		Death by
(				hanging
(
(Sadaharu HIRAMATSU	Guard	Civ.		Death by
(				hanging
(
(Kinio YOSHIZAWA	Interpreter	Cpl.		Death by
(				hanging
(
(Takeo KIRISHITA	Guard	Civ.		Life Imprison-
(				ment.
(
(Rikio SHIOIRI	Med. Ord.	Pvt.		Life Imprison-
(				ment.
2 (Masayoshi KATO	Med. Ord.	Pvt.	28 Jan 47	25 yrs. Imprison-
			5 Feb 47	ment, hard labor
3 (Kazuo FUKAMI	Guard CO	Civ.	11 Feb 47	10 yrs. Imprison-
			12 Feb 47	ment, hard labor

4(Chogo HASHIMOTO	Guard	Civ	12 Feb 47 17 Feb 47	15 yrs Imprisonment at hard labor
5(Takeo TAKAHASHI	Guard	L/Cpl	25 Sept 46 11 Feb 47	15 yrs Imprisonment at hard labor
(Katsuyasu SATO	Guard	Civ		40 yrs Imprisonment at hard labor
6(Saburo MIZUKOSHI	Camp CO	Capt	27 Jan 47 3 Feb 47	30 yrs Imprisonment at hard labor
(Chuta SASAZAWA	Camp CO	Capt		Death by hanging
(Sadaharu KOBAYASHI	S/Maj.	Sgt		30 yrs imprisonment at hard labor
(Kiyoshi YUI	Guard	Civ		30 yrs imprisonment at hard labor
(Shosaburo FUJITA	Guard	Civ		10 yrs imprisonment at hard labor
(Hasanori TAKAHASHI	Guard	Civ		5 yrs imprisonment at hard labor
((
(Hikari SUZUKI	Guard	Civ		30 yrs imprisonment at hard labor
(Yoshio NISHIKAWA	Guard	Civ		15 yrs imprisonment at hard labor
7(Tadao SHIBANO	S/Maj	S/Maj	20 Nov 46 3 Feb 47	Death by hanging
(Yuzu AOKI	Med Sgt	Med Sgt		Death by hanging
(Michio MURIYAMA	Interpreter	Pvt		Life imprisonment
(Narumi OOTA	Camp CO	Lt.		Life imprisonment
(Yoshio TAGUCHI	Med Ord	Pvt.		Life Imprisonment
(Hiroaki KONO	Interpreter	Pfc		Life Imprisonment
(Kengo KATEYAMA	Interpreter	Cpl		20 yrs imprisonment at hard labor

8(Masato HADA	Med Ord	Pvt	27 Jan 47 31 Jan 47	Life imprison- ment
9(Kunio MIYATAKE	Med Off	Lt.	21 Jan 47 31 Jan 47	20 yrs impri- sonment at hard labor
10(Takeo KATSURA	Interpreter & Guard	Pvt	12 Feb 47 20 Feb 47	40 yrs impri- sonment at hard labor
11(Fukusaburo ADACHI	Guard	Civ	17 Feb 47 21 Feb 47	20 yrs impri- sonment at hard labor
12(Hidemaro NAKAJIMA	Camp Adj.	Lt.	24 Dec 46 27 Jan 47	2 yrs impri- sonment at hard labor

Trial of Sukeo NAKAJIMA, et al

24. Sukeo NAKAJIMA, a former Captain and Camp Commandant of the Mitsushima Prisoner of War Camp, Nagano Prefecture, Tokyo Area, Honshu, Japan was charged with the deaths of many of the prisoners of war at said camp. He, in concert with others, was charged with the beating and brutal mistreatment of numerous American and Allied Prisoners of War.

Harumi KAWATE, Tamotsu KIMURA, Sadaharu HIRAWATSU, Kunio YOSHIZAWA, Takeo KIRISHITA and Rikio SHIOIRI were all members of the Mitsushima Camp personnel. They were charged with the deaths and mistreatment of numerous American and Allied Prisoners of War.

Trial of Masayoshi KATO

25. Masayoshi KATO was formerly a private in the Japanese Army, and a medical orderly at the Ichioka Hospital and Yokkaichi Prisoner of War Camp, Osaka Area, Honshu, Japan. He was charged with numerous severe beatings of American and Allied Prisoners of War, using belts, shoes, and clubs. He was charged with torturing and abusing three American Prisoners of War by suspending them from ladders by their wrists and while they were in this position beating them with belts, ropes, and clubs.

Trial of Kuzuo FUKUMI

26. The accused Kuzuo FUKUMI, was formerly a civilian serving

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with the Japanese Army as a civilian guard at the Fukuoka Prisoner of War Branch Camp #5, Omine, Japan. He served at the camp from May 1945 until 15 August 1945. The Fukuoka Camp was situated on the outskirts of the town of Omine, several hundred yards from the Omine Coal mine of the Furukawa Coal mining interest. The prisoners of war incarcerated in this camp were forced to work in this coal mine. While at this camp he was alleged to have beaten many of the prisoners very seriously.

Trial of Chogo HASHIMOTO

27. The accused, Chogo HASHIMOTO, was formerly a civilian foreman at the Rinko Coal Company, a concern which employed prisoners of war who were interned at the Tokyo Prisoner of War Camp 5-B Niigata, Honshu, Japan. He left the Rinko Company in 1944 to join the Army. Two of the eight specifications charged the accused with the deaths of two Canadian Prisoner of War, others charged him with beating and abusing numerous other prisoners of war.

Trial of Takeo TAKAHASHI and Katuyasu SATO

28. Takeo TAKAHASHI, a former medical orderly at the Tokyo Prisoner of War Camp 5-B near Niigata, Honshu, Japan, is about five feet six inches tall, weighs about 135 pounds, is 30 years of age, and wears glasses. It was charged that the accused did, "while medical orderly of said camp, willfully and unlawfully disregard his duty as camp medical orderly by failing and refusing to hospitalize numerous Allied Prisoners of War and by compelling and countenancing the working of sick, weak, and undernourished to the death, disease, suffering, and permanent disability of numerous of the said prisoners of war." In specification 2, the accused was charged with "unlawfully stealing, misappropriating, withholding, and converting to his own use Red Cross and camp drugs, medicines, and supplies intended for the use and benefit of Allied Prisoners of War." In the specifications it is charged that between 3 September 1943 and 15 August 1945, the accused TAKAHASHI did willfully and unlawfully falsify the

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cause of death in the death certificate of numerous Allied Prisoners of War. Other specifications charge him with the brutal mistreatment and abuse of numerous American and Allied Prisoners of War.

Katsuyasu SATO, a former civilian guard serving with the Armed Forces in Japan between 3 September 1943 and 31 March 1944 at or near the Tokyo Area Prisoner of War Camp 5-B, including the Rinko Company Office Building and near the Rinko Company Coal Docks at Niigata, Honshu, is charged with violating the laws and customs of war. SATO's duties as a civilian guard were to help assemble every morning a detail of prisoners of war to march these prisoners to the coal yard where they worked and return them to the camp at night. He was also employed to supervise the prisoners work in liaison with the manager of the coal yard which was privately owned. The work consisted of unloading coal from barges into hand trucks on a trestle then pushing the trucks to dumping points where the coal was either dumped into freight cars on the railroad sidings below or on storage piles on the ground from where it was carried by buckets in coolie fashion onto freight cars on other sidings.

SATO was charged with compelling prisoners to perform arduous labor while physically unfit, in some cases contributing to the death of prisoners. It is alleged that he did willfully and unlawfully mistreat and abuse numerous prisoners by depriving them of their boots and compelling them to work in the coal yard in their bare feet during cold and wet weather, as a result of which their feet became painfully bruised, cut, and infected with dirt. In one case he mistreated and abused an American Prisoner by beating him every day for three months, by tying him to a telephone pole in freezing weather with insufficient clothing. It was charged that on many other occasions SATO abused and mistreated prisoners by beating them and by employing judo to throw them heavily to the floor. He was also charged with the misappropriation and withholding of Red Cross supplies intended

for the Allied Prisoners of War.

There were originally four accused in this case but two were severed from the case while it was in session, one was suffering from psychosis and the other pleurisy. In the event of their recovery they will be tried at a later date.

Trial of Saburo MIZUKOSHI

29. Saburo MIZUKOSHI, was commander of the Sumidagawa Prison Camp from July 1944 until December 1944. He was formerly a Captain. He is charged with command responsibility for failing to provide prisoners of war with adequate shelter from Allied Aerial Attacks, permitting the men under his command to steal Red Cross supplies, and permitting these men to beat numerous prisoners of war.

Chuta SASAZAWA, was camp commander for the Sumidagawa Prisoner of War Camp, Tokyo Area from 27 February 1945 until the release of the prisoners on 29 August 1945. The camp was located in the Sumidagawa railroad marshaling yards in Tokyo and had a total prisoner personnel of 251 at the time of repatriation. Of this number there were 69 Americans, 85 British, 49 Canadian and 48 Dutch.

There were two deaths, one of which has been charged against SASAZAWA. The treatment of the prisoners of war in this camp was extremely bad and SASAZAWA is charged with certain brutal acts which he committed personally as well as many acts committed by members of the Sumidagawa camp staff.

Sadaharu KOBAYASHI was formerly a Sergeant in the Japanese Armed Forces, he was present at the Sumidagawa Camp from July 1944 to 11 May 1945. He is charged with the beatings and the mistreatment of numerous prisoners. It is charged that the accused forced a prisoner to remove his clothes and stand for a long period in the cold rain. Later the prisoner was refused blankets or medical care after the beating and exposure.

Kiyoshi YUI, Shosaburo FUJITA, Hasanori TAKAHASHI, Hikari SUZUKI and Yoshio NISHIKAWA, all civilian guards at the Sumidagawa Prisoner of War Camp, are charged with numerous infamous beatings

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and mistreatments, that lead to great suffering by the victims.

Trial of Tadao SHIBANO

30. Tadao SHIBANO was a Sergeant and later a Sergeant Major in the Imperial Japanese Army and Senior non-commissioned Officer in charge of Prisoners of War at Naoetsu Camp from 7 December 1942 to 21 December 1944. During this period numerous atrocities in which SHIBANO is implicated were committed. He often, particularly at night, was in charge of the camp in the absence of OOTA.

Yusu AOKI, known as "Faith Healer", was a Sergeant in the Imperial Japanese Army and medical representative at the camp. During this period 60 Australian Prisoners of War died. Numerous Allied prisoners while sick were compelled to work by AOKI. Yoshio TAGUCHI, "The Germ", was his assistant.

Michio KURIYAMA, was a private and the camp interpreter between December 1942 and April 1943. He was charged with contributing to the deaths of at least two prisoners and with the severe and painful beatings of many others.

Narumi OOTA was a Lieutenant in the Imperial Japanese Army and Commander of the Naoetsu Prisoner of War Camp 4-B, Tokyo Area, from 20 January 1943 to 23 January 1945. He is being held responsible for the deaths during this period of 60 Australian Prisoners of War, the beating, torture, mistreatment, and abuse of many Allied Prisoners of War by his staff. He is accused of misappropriating Red Cross supplies which had been intended for the prisoners.

Hiroaki KONO was a private first class and interpreter at the camp from May 1943 to August 1945. He is charged with contributing to the deaths and sufferings of numerous prisoners at the camp.

Kengo KATAYAMA was a corporal and charged with the deaths and beatings of prisoners at the Naoetsu Camp.

Trial of Masato HADA

31. Masato HADA, was a private in the Japanese Army and medical orderly at the Fukuoka prisoner of War Camp #1. He was charged with

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refusing to issue available medical supplies, misappropriating and converting to his own use Red Cross supplies, beating and mistreating prisoners causing great pain and suffering and contributing to the deaths of a number of them.

Trial of Kunio MIYATAKE

32. The accused, Kunio MIYATAKE, was formerly a Surgeon Second Lieutenant and later a 1st Lieutenant, stationed at the Headquarters Camp and Kobe Sub-Camp, Osaka Area, Honshu, Japan. He is described as being big, fat, and addicted to alcohol and as being taller than the average Japanese. He is supposed to have had bad feet and frequently wore only one boot. He enjoyed drilling the prisoners in Japanese, and when they had to count off in Japanese, if they made too many mistakes he would beat each man with his saber. He is 26 years old, able to speak English fluently and spoke a little German as he took his medical course in Germany.

The accused was medical officer at the Headquarters Camp. His favorite weapon was a sword scabbard which he used to beat prisoners. In addition to being guilty of numerous individual and mass beatings, the accused allegedly was guilty of neglecting the sick and forcing sick prisoners to go to work when physically unfit to work.

Trial of Takeo KATSURA

33. The accused, Takeo KATSURA, formerly a three star Private in the Imperial Japanese Army and an interpreter and guard at Fukuoka Prisoner of War Camp Number 1. The accused was assigned to the Fukuoka Camp from December 1942 to September 1945. He was alleged to have broken several ribs of one man, a Dutch Doctor. The accused was also charged with the misappropriation of Red Cross supplies.

Trial of Fukusaburo ADACHI

34. The accused is Fukusaburo ADACHI, formerly a civilian guard at the Yodogawa Prisoner of War Camp, Osaka Area, Honshu, Japan, between 1 April 1944 and 23 May 1945. He was charged with mistreating prisoners of war by beating them with fists and sledge hammer handles

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and clubs, twisting their arms behind them and tying them to a ladder, and compelling them to stand at attention with a pail of water in each hand.

ADACHI is about 31 years of age and is married. He was formerly a Sergeant in the Japanese Army in China during which time he received a bullet wound in his right leg. He had a restaurant in Osaka, and lived in Kyoto.

Trial of Hidemaro NAKAJIMA

35. The accused is Hidemaro NAKAJIMA, formerly a 1st Lieutenant in the Imperial Japanese Army, and Aide to the Camp Commander at the First Branch Camp, Zentsuji, Hiroshima Prisoner of War Camp, Hiroshima, Honshu, Japan, from 15 January 1942 to 31 May 1945. He was camp commander at the Third Branch Camp, Hibi (Tamori) from 1 June 1945 to 13 September 1945.

While stationed at the Zentsuji Camp, he performed various administrative duties, including those of supply officer, and "morale officer". He was charged with being continually drunk on duty, with pilfering Red Cross supplies, with confining prisoners without food and water, with at least one beating, and with responsibility for group punishment. Because of his continual drinking, he was known as "Saki Pete" by the prisoners.

While NAKAJIMA was Camp Commander at the Hibi Camp, he was charged with responsibility for numerous beatings of prisoners by his subordinates and with failing to provide adequate food, medical care, and sanitary conditions. He was also charged with requiring prisoners to work under improper conditions, withholding Red Cross medical supplies and administering collective punishment.

AUSTRALIAN DIVISION

Investigation

36. During the period of this report 47 interrogations were conducted and from these interrogations 38 sworn statements were obtained. The interrogations were conducted in connection with

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personnel who were posted as missing in the islands north of Australia and who were thought to have been subsequently captured and executed by the Japanese. Interrogations were also being made concerning the recapture and execution of an Australian soldier after an unsuccessful attempt to escape from a Japanese prisoner of war camp at Fukuoka, and the ill treatment of Allied prisoners of war at the Ohama 9-B prisoner of war camp.

37. An atrocity which had been under investigation for some months has been brought to a conclusion by the admission of a former Naval Captain of having issued an order to execute an Australian Sergeant and two natives at Aitape, New Guinea, in October 1943. This execution first became known in early 1944 when Allied forces invading Hollandia captured a number of photographs depicting the actual execution by decapitation. One of these photographs has since received considerable publicity in Allied countries.

38. More progress has been made in the investigation concerning the execution of two airmen by means of prussic acid, mentioned in last months report and three suspects are now in custody.

39. The execution of yet another Australian airman in New Guinea in 1944 has resulted in orders for the apprehension of a Japanese Sub-Lieutenant. The man went underground shortly after being interrogated but it is expected that he will be located shortly and delivered to Sugamo Prison.

Apprehension

40. During the month three requests for the Apprehension of suspected war criminals were submitted by this Division.

Prosecution

41. The trial of Tadao SHIRANO and six others (Paragraph 30) accused of committing atrocities against Australian, American and other Allied prisoners of war at Naoetsu Camp 4-B, Niigata, was

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brought to a conclusion on 3 February 1947. Three Australians who were former prisoners of war, were brought from Australia to give evidence in this trial.

42. The trial of Kunio MIYATAKE (Paragraph 32) charged with committing war crimes against allied prisoners of war at the Headquarters Camp and the Kobe Sub-Camp, Osaka Area, was also brought to a conclusion during the period.

43. During the period, 56 affidavits from Australians were received making a total of 901 Australian affidavits received by this division to date.

44. Two Australians, former prisoners of war, who are at present serving in Japan were brought to Tokyo during the period, for the purpose of supplying additional evidence and identifying Japanese interned in Sugamo Prison.

45. On 28 January 1947, 17 Japanese civilians, members of a defense party, left Japan for Rabual, New Britain to participate in the trials of former Japanese officers, a number of whom were of General Rank.

46. Three suspected war criminals, one Rear Admiral, one Lieutenant General, and one Second Lieutenant, were transferred from Japan to Rabual, New Britain where they will stand trial before an Australian war crimes court on charges of perpetrating war crimes atrocities.

BRITISH DIVISION

Investigation

47. Forty-seven interrogations during the month have produced 23 sworn statements. Good progress has been made on the examination of records obtained from a surprise search at the General Headquarters Army shipping Transport Command, Ujina, referred to in last month's report, and the development of leads arising from them.

Apprehension

The arrest and incarceration of a further 120 war criminal suspects has been requested bringing the total outstanding arrests now to 552. At present there are 20 suspects in Sugamo Prison awaiting transfer to other areas for trial.

48. On 19 February 1947, 61 war criminal suspects left Sugamo Prison enroute to Singapore where they will stand trial in War Crimes Courts in South East Asia. This represents the largest transfer of suspected war criminals as yet effected by this Division. A total of 90 suspects were transferred during the month under review.

Prosecution

49. The trials of 10 cases involving 21 suspects in which British subjects were concerned, were completed at Yokohama. Bringing the total number of trials with British interest completed to 30. In these 30 trials there were 65 accused involved as defendants. One case with 2 defendants is at present still in session, and 27 more with 50 defendants are now ready for trial.

50. During the period 18 affidavits have been received from London in answer to requests made on behalf of various Divisions of the Legal Section and 41 fresh requests were initiated in connection with cases in Japan and the Sea Transport cases.

CANADIAN DIVISION

Prosecution

51. During the period of this report members of this Division were concerned with prosecution of a common trial of four men (Paragraph 28) which started on 15 September 1946. During the course of the trial it became known that one of the defendants, YOSHIDA was suffering from psychosis and that OKUDA was suffering from pleurisy, a motion was made to sever both of these accused from the case but that at some future date if either or both recovered the trial against them would proceed.

52. During the month members of this Division participated in three other cases involving 10 accused.

53. At the close of this report there is still one case in session in which a member of this division is participating as a prosecutor. Additional specifications were prepared against one accused whose case has been referred for trial but as yet has not been tried. There are a number of cases in various stages of preparation for trial and a small number of prospective cases.

CHINESE DIVISION

Investigation

54. During the current period, a certain Japanese suspected of the perpetration of war crimes was located and interrogated by this Division. The subject Japanese was alleged to have the full responsibility for the murder of many Chinese civilians in the Hunan Province Central China during July 1933. A sworn statement in Chinese was obtained and has been forwarded to Wu-han Military Court, Central China for final disposition.

55. On behalf of the British Division, Legal Section, this Division requested higher authorities in Nanking to furnish all available information on the disposition and present whereabouts of a Japanese, who was formerly a Lt. General commanding the Japanese Army in Indo-China and has been apprehended and incarcerated on war crimes charges by the Chinese Occupational Forces in that area.

56. During the period under consideration in response to the requests of various divisions of the Legal Section, this Division furnished more information concerning a number of suspected war criminals whose past deeds are still under investigation.

57. Two Chinese, who had been forced into slave labor, were discovered and brought to this Division by the Japanese police under orders of the Investigation Division, Legal Section, branch office in Hokkaido. These Chinese with 200 others who were subjected to the same fate were forced by the Japanese Army in Tsingtao North China to come to Japan to labor in the Meini Coal Mines, Hokkaido Prefecture

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PART II
PHILIPPINES

INVESTIGATION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

58. During the current report period 124 cases were forwarded to the Review Division with the recommendation that they be closed due to the fact that no perpetrators have been apprehended, insufficient evidence, or the perpetrators are already dead. During this period, no new reports of atrocities were received for investigation. Three cases were reopened for further investigation on the Islands of Mindoro and Palawan. Six cases were reinvestigated during the period of this report. Two cases opened for further investigations and were completed by investigation teams operating in the Visayan Islands.

59. One investigator has been in the Southern Islands during the entire period of this report contacting witnesses, approximately 37 of which have been sent to Manila during this period to act as prosecution witnesses in current war crimes trials. This investigator is presently in Cotabato, Mindanao securing more witnesses.

60. All remaining untried reports have been checked, and of this number, 180 have been recommended closed, either for lack of perpetrators or for insufficient evidence. Twenty-four cases are pending survey by the Review Division to determine their legal sufficiency.

61. The FS 208, a small Army transport, which was assigned, until recently, to this office, returned to Manila on 31 January from the southern islands with three investigators, two court reporters, and seventeen witnesses.

APPREHENSION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

62. As of 20 February 1947 there were 571 Japanese prisoners of war detained in the Philippines for participating in war crimes activities. Of this total figure 446 are identified war criminals, 103 are suspected war criminals, and 22 are being held as witnesses. Five suspected war criminals are presently held in Sugamo Prison,

Tokyo for trial in Manila, Philippine Islands. Of the 446 identified war criminals, 354 remain to be tried and 57 are in custody at the Luzon Prisoner of War Camp #1 as condemned or sentenced war criminals. Sixty one sentenced war criminals were shipped from Luzon prisoner of war camp #1 to Sugamo Prison, Tokyo, on 18 January 1947.

63. There were four identified war criminals who escaped from custody during the period of this report. Two of these prisoners of war voluntarily turned themselves over to proper authorities and are back in custody. This brings to five the number of identified war criminals who, at the close of this report period, have escaped from custody and are still at large.

64. During the period of this report there are 79 prisoners of war received from outside sources and placed into custody. This total is broken down as follows:

Various Philippine Army camps still under processing--	50
Palawan Island, still under processing- - - - -	25
Japan- - - - -	2
Escaped prisoners- - - - -	2

65. There were 25 prisoners of war (received from Palawan) screened during the period of this report. One of these men was detained, while the other 24 are still under screening process.

66. There were 18 Japanese prisoners of war cleared at the requests of other Divisions due to insufficient evidence or lack of proper witnesses. There was one prisoner detained during the period at the request of other Divisions.

PROSECUTION OF SUSPECTED WAR CRIMINALS

67. Six trials were completed during the period 21 January 1947 to 20 February 1947. Three cases with one accused each, one case with three accused, one case with seven accused, and one case with nine accused. Fourteen cases were referred to the Commanding General, Philippine - Ryukyus Command, for trial. Five trials were not completed

3(Michinori NAKAMURA	CO, 2nd Army	Col.	24 Jan 47	Death by
(	Kompei Tai		13 Feb 47	hanging
(Kotaro KAMISUKI	Adjutant, 2nd			Life
(	Army, Kompei Tai	1st Lt.		Imprisonment
(Rinji SASAKURA	Army EM	Sgt		Death by
(				hanging
(Koshin ICHIJO	Army EM	Sgt		Death by
(				hanging
(Shigeo ICHIHASHI	Army EM	S/Maj		Life
(				Imprisonment
(Kasuaki OKAZUKI	Army EM	Sgt		Life
(				Imprisonment
(Fumiyuki KAZATO	Army EM	L/Pvt		Death by
(				musketry
4(Shoichi KADOMATSU	Staff Off	Col.	13 Jan 47	Death by
(			8 Feb 47	hanging
5(Maraji NOGI	Med. Off.	Capt.	16 Jan 47	25 yrs.
(			24 Jan 47	imprisonment
6(Nasakazu YAMAGUCHI	CO	Col	31 Oct 46	Death by
(			29 Jan 47	hanging

Trial of Minoru TOYAMA, et al

70. The defendants were charged with violation of the laws and customs of war, in that, they wrongfully and unlawfully did kill four American members of the United States Army, who were then prisoners of war, by striking them with swords. Each of the defendants was a commissioned officer in the Imperial Japanese Navy.

INAGAKI and NAKAMURA were perpetrators and each beheaded one American. TOYAMA was held on the theory of command responsibility, being not only a staff officer but also the commander in charge of the Tokkei Tai in the Celebes Islands.

Trial of Shumpei HAGINO, et al

71. At the arraignment all the accused pleaded not guilty. Charges and specifications 1 and 2 were dismissed without prejudice at the commencement of trial on motion of the Prosecutor as against accused Masaichi SUSUKI and Shigeru TAKAHASHI, both of whom are deceased.

In the first specification all the accused were alleged to have

at the close of this report period. Nineteen new cases were assigned to Prosecutors and are in the process of being prepared for trial.

There are approximately 213 additional prospective cases.

68. The following are statistics of the results of the war crimes trials completed in the Philippines from the first trial through 20 February 1947:

Total number of persons tried- - - - - 175

Total number of persons convicted- - - - - 166

Total number of death sentences- - - - - 82

Total number of persons actually executed- - - - - 35

69. The following shows the results of war crimes trials completed in the Philippines during the period 21 January 1947 to 20 February 1947:

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1 (Minoru TOYAMA	CO	Capt.	17 Jan 47	Life
(Tokkei Tai			28 Jan 47	Imprisonment
(Toyoaki INAGAKI	Member	Lt.(JG)		25 years
(Tokkei Tai				Imprisonment
(Yoshiyuki NAKAMURA	Member	Lt.(jg)		25 years
(Tokkei Tai				Imprisonment
2 (Shumpei HAGING		2nd Lt.	3 Feb 47	Death by
(			11 Feb 47	musketry
(Shinkichi HOSAKA		W/O		20 years
(				Imprisonment
(Keiichi KIMURA	Army EM	M/Sgt		Not guilty
(Sakakatsu KATO		W/O		Not guilty
(Ichiro KOBAYASHI		W/O		Life
(				Imprisonment
(Rikizo MOMMA		W/O		Not guilty
(Chiyokichi FUKUOKA		2nd Lt.		25 years
(Tetsusaburo ITO		W/O		Imprisonment
(30 years
(Zenichiro MOGANI	Army EM	M/Sgt		Imprisonment
(Life
				Imprisonment

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(Life
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unlawfully killed and permitted soldiers under their command to kill 244 Filipino non-combatant civilians in Batangas Province. The evidence shows that a much larger number than this, probably 1,000 victims were actually massacred. No witnesses were available to identify three of the accused and to testify as to their participation in the crime. Prior to the trial serious consideration was given to the advisability of dismissing as to these three accused. However this was decided against because it was felt that they should be found guilty upon the theory of being joint participants in the common plan of massacre. These three accused were found not guilty by the decision of the Commission.

In the second specification four of the accused were alleged to have killed and permitted soldiers under their command to kill 200 non-combatant Filipino civilians. The evidence shows that the accused HAGINO ordered that over 200 victims be placed in a stone house containing a charge of dynamite and then ordered the charge to be detonated thereby killing most of the victims. The accused NOGAMI, according to evidence, was the person who actually detonated the dynamite charge. The evidence shows that the accused KOBAYASHI ordered the soldiers under his command to kill five victims by bayonet.

Trial of Michinori NAKAMURA, et al

72. All of the accused were members of the Kempei Tai stationed at Singkang, Islands of Celebes, NEI. These accused were charged with the murder of five American Prisoners of War by, bayonetting and/or striking them with swords in violation of the Laws and Customs of War.

Trial of Shoichi KADOMATSU

73. KADOMATSU, a former colonel on the staff of General Anami in the Celebes Islands, was charged in specification #1 with ordering the execution of two American fliers, non-commissioned officers. They were believed members of a bombing unit stationed at Biak. Their B-24 was shot down at Langaon near Tomohon at the northern tip of the Celebes.

They were beheaded by sword at Tomohon on 24 or 25 September 1944.

The second specification charged that the accused ordered the execution of a 1st Lt., who was either a native of California or received his training in that state. He was executed in the same way and near the same place on or about 10 November 1944.

All the executions were at night. None of the fliers were ever given a trial, and the prosecution proved that they conducted themselves as model prisoners of war.

The accused and his associates, particularly ODA MURA, Kempei Tai major, were highly trained and very skillful military men. KADOMATSU was a graduate of the national Military Academy in Japan and was trained in France as well. It was not surprising then that, while awaiting trial, they concocted an ingenious plan for KADOMATSU's defense. The defense was that the first statements given by certain Japanese prisoners of war, which at that time put the blame on KADOMATSU, were false and were given because they all thought KADOMATSU had been killed in action.

Trial of Naraji NOGI

74. The accused was formerly a captain in the Medical Corps, Imperial Japanese Army, and was attached to the War Prisoner Headquarters as staff medical officer. As such he was director of the Bilibid Prison Hospital, which was the main POW Hospital. For all practical purposes, he was commandant of the entire Bilibid Prison compound from 14 August 1942 until December 1944, after which last date he continued as medical officer at the hospital until the liberation.

The accused was charged with violating the laws and customs of war, more particularly (first specification) in that at Bilibid Prison Hospital he permitted the sanctioned the deliberate and systematic starvation of the prisoners of war and failed and refused to provide adequate clothing, medicine, medical care, and adequate hospitalization for the prisoners of war confined at Pasay Elementary School, Pasay, Rizal, P. I. between about 1 August 1943 and about 5 September 1944.

allegedly resulting in the deaths of five named American prisoners of war as well as others whose names are unknown.

Trial of Masakazu YAMAGUCHI

The accused was charged with command responsibility for the killing, mistreatment, torture and rape of Filipino civilians in Negros Occidental, Philippines, during the period from January 1943 through March 1945.

The accused was formerly a Colonel in the Imperial Japanese Army and was the commanding officer of the Japanese troops in Occidental Negros from 6 January 1943 up to 30 August 1945. Of the twenty-four specifications preferred against the accused, he was found guilty of sixteen and guilty of the charge.

Theodore R. C. King

THEODORE R. C. KING
Major Inf. (TD)
Executive Officer

R7/FE/S/S.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 18

MARCH 1947

STATISTICS & REPORTS

7

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 319.1

Monthly Summation No. 18
March 1947

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JAPAN

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PHILIPPINES

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PART I
JAPAN

LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported as follows:

Registration of Chinese Nationals

2. A directive was issued to the Imperial Japanese Government and a letter order sent to the Commanding General, EIGHTH Army concerning "the registration and documentation of persons in Japan who claim Chinese nationality". It was stated that "Legitimated bearers of these registration certificates will be presumptively considered as Chinese subject and, hence, United Nationals for purposes of the exercise of criminal jurisdiction by both the Occupation Forces and the Japanese authorities".

Appointment of Chinese Representative

3. Sent a radio to the Commanding General, EIGHTH Army, advising that a member of the Chinese mission in Japan, has been assigned to act as the Chinese member on any provost court which may be designated for the trial of Chinese nationals and is, therefore, available for appointment as his services are needed.

Civil Rights of Indian National

4. An Indian national, residing in Tokyo, requested assistance in evicting Japanese tenants from two houses which he had purchased in 1946 for accommodations for Indian nationals and Allied friends this letter was sent to the Political Representative of India, who in turn, sought assistance from SCAP. The Legal Section recommended that the Indian national should seek recourse in the Japanese courts, which are authorized to handle such cases.

Blackmarket

5. Conference with a member of the Saitama Military Government Team, with reference to the prosecution of a Chinese for black-market activities in the restaurant business. Advised that these Chinese were subject to Japanese criminal laws and could be tried in Military Occupation Court.

Parole of Japanese Prisoners

6. Conferred with members of the Prison Bureau, Imperial Japanese Government, Department of Justice, with reference to action to be taken for the parole of Japanese prisoners who had originally been sentenced in Korea. This Section advised that, in cases where the original offense was not against the occupation of Korea, these prisoners could be paroled under Japanese law.

Interpretation of Instructions

7. A conference was held with Japanese Government representatives with reference to instructions issued by the Tokyo-Kanagawa Military Government Team to the Metropolitan Tokyo Japanese Municipal Government concerning black market. Inquiries were made as to whether these instructions constitute a directive, and violations of which would be prosecuted under Imperial Ordinance #311. The Legal Section advised that these instructions would not be considered as a directive, and the violations mentioned in the instructions should be prosecuted under Japanese law.

Extradition to China

8. The Chinese Mission requested SCAP to extradite Kiyoshi OHARA, who was formerly the manager of the Shanghai branch of a Japanese company which delivered boxes of silver to the puppet Hwa Hsing Bank. It is claimed that when the Hwa Hsing Bank was liquidated by the Central Bank of China, officials of the Chinese Central Mint discovered that certain sealed boxes contained copper coins instead of silver. Since the Allied Nations are still

technically at war with Japan, any extradition treaty would be ineffective at present; therefore, the request of the Chinese Government must be disposed of on other grounds. The form of proof submitted to SCAP does not contain sufficient evidence to establish a prima facie case and it is the opinion of the Legal Section submitted to the Foreign Property Division of CPC, that the request for extradition by the Chinese Mission should not be favorably considered.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

9. During the period 25 February - 24 March 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

10. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 Feb.	Cases received 25 Feb.- 24 March	Cases closed 25 Feb.- 24 March	Cases on hand 24 March	Reports Submitted 25 Feb.- 24 March
POW Camp Conditions	9	3	0	12	29
POW Camp Atrocities	120	5	1	124	50
B-29 Fliers	578	1	10	569	74
POW Ship	50	2	0	52	19
Kempei Tai International Police	26	4	0	30	8
Miscellaneous	660	146	35	771	264
Total	1443	161	46	1558	444

APPREHENSION OF SUSPECTED WAR CRIMINALS

JAPAN

11. During the period 25 February - 24 March 1947, seven memoranda were issued directing the Imperial Japanese Government to

apprehend and deliver to Sugamo Prison at the earliest practicable date 132 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons ordered Apprehended</u>
AG 000.5 (25 Feb 47)	1546	14 Army officers 7 Army Enlisted Men 4 Navy Officers 3 Navy Enlisted Men 5 Civilians
AG 000.5 (27 Feb 47)	1549	1 Army Officer
AG 000.5 (5 Mar 47)	1556	4 Army Officers
AG 000.5 (5 Mar 47)	1557	3 Army Officers 6 Army Enlisted men 11 Navy Officers 11 Navy Enlisted Men 7 Civilians
AG 000.5 (8 Mar 47)	1565	9 Army Officers 22 Army Enlisted Men 2 Navy Officers 1 Civilian
AG 000.5 (11 Mar 47)	1566	1 Army Officer 3 Navy Officers 1 Navy Enlisted Man
AG 000.5 (17 Mar 47)	1575	2 Army Officers 7 Army Enlisted Men 3 Navy Officers 1 Navy Enlisted Man 4 Civilians

12. In five memoranda the Imperial Japanese Government was notified of the deletion of 14 names of persons ordered apprehended, which had appeared on previous memoranda.

AG000.5	1547	2 persons
AG 000.5	1564	1 persons
AG 000.5	1568	1 person
AG 000.5	1569	1 person
AG 000.5	1576	9 persons

13. By two memoranda the Imperial Japanese Government was notified of the clarification of status of two Japanese whose names had appeared on apprehension memoranda.

AG 000.5 (4 Mar 47)	1555	1 person
AG 000.5 (17 Mar 47)	1574	1 person

14. On requests initiated by this Section 107 persons suspected of perpetrating war crimes were interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

JAPAN

15. During the period 25 February - 24 March 1947, four trials were completed by this Division. At the close of the period on 24 March there were seven trials in progress. In addition to those cases tried and being tried, six cases were forwarded to the Commanding General, EIGHTH Army for reference to a Military Commission for trial. At the present time there are 179 cases in various stages of preparation and there are nine additional prospective cases.

16. Statistics concerning war crimes trials held in Yokohama, Japan are as follows: To date 154 defendants have been tried, 150 have been found guilty and four not guilty. Nineteen of the 154 found guilty have been given the death sentence. Five death sentences have been executed, and 14 are awaiting approval. The remaining 131 accused found guilty have been sentenced to terms of imprisonment at hard labor ranging from 1 year to life.

Statistics of War Crimes Completed in Japan During Above Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Masonshu NARIKAWA	Guard	Civ.	24 Feb 11 Mar 47	40 years
2. Masauki KIRYU	Inter.	Civ.	17 Feb 18 Mar 47	20 years
Minoru KOBAYASHI	Sgt/Maj	Cpl		15 years
Takeo SHURAKI	QM NCO	Cpl		25 years
3. Kosaku HAZAMA	Camp CO	1st Lt.	3 Feb 19 Mar 47	15 years
4. Hyoichi OKUDA	Guard	Civ.	15 Sept 46 18 Mar 47	33 years

Trial of Masonshu NARIKAWA

17. Accused was employed as a civilian guard at the Tanagawa

Prisoner of War Camp, Osaka, Honshu, Japan. He was charged with engaging in aggravated and brutal assaults on American Prisoners of War. In these assaults the accused beat his victims with hands, clubs, rifles and any other implement that was handy.

Trial of Masauki KIRYU et al

18. KIRYU was a civilian employed by a Japanese concern in the capacity of interpreter at the Yokkaichi camp, Osaka, Japan. He was charged with perpetrating a series of crimes against Allied Prisoners of War imprisoned at the Camp. These crimes consisted of beatings, tortures such as rubbing salt in a prisoners wounds and hanging prisoners by their wrists.

Minoru KOBAYASHI was a corporal and acting Sergeant Major at the Yokkaichi Camp. He was charged with numerous beatings. One in particular when he beat a prisoner unconsciousness with a belt and buckle and then proceeded to kick him.

Takeo SHURAKI was formerly a corporal. He was in charge of quartermaster supplies at the Yokkaichi Prisoner of War Camp. It was his duty to issue the daily rations, clothes and Red Cross supplies. He was charged with numerous brutal beatings, using clubs, ropes and belts.

Trial of Kasaku HAZAMA

19. The accused was Camp Commander at the Tanagawa Camp and later at the Ooyama Camp. HAZAMA was charged with taking part in numerous beatings and collective punishments. He expressed views that the prisoners were slaves and that Red Cross supplies and medicines were not to be used on sick men who would never be able to work again.

Trial of Hyoichi OKUDA

20. OKUDA was originally being tried in a common trial with three others. (See February Summation Paragraph #28) The accused was a civilian guard attached to the Army at the Tokyo Prisoner of

War Camp 5-B Niigata, Honshu, Japan. This guard was in charge of conducting the prisoners from the camp to the Shintetsu Iron Foundry where they labored. He was charged with numerous beatings and other mistreatment.

AUSTRALIAN DIVISION

21. During the period under review this Division completed its first 12 months of activities in Japan.

Investigation

22. This month 35 interrogations were conducted which resulted in obtaining 16 sworn statements. This brings to 287 the total number of interrogations conducted and 89 sworn statements obtained during the past 12 months.

23. During the current period interrogations were made concerning:

Australian personnel who were reported missing in Islands of the Southwest Pacific, some of whom were known to have been captured by the Japanese.

The execution of an Australian missionary at Dobo, Aroe Island in May 1943.

The execution of an Australian soldier after an unsuccessful attempt to escape from a prison camp in Japan.

Alleged war crimes committed against Allied service and civilian personnel at Seebaja, Java.

24. This month saw the clarification of the massacre aboard destroyer Akikaze in 1943, mentioned repeatedly in previous summations. A former Naval Petty Officer who had been stationed on Manus told the story of the embarkation of a party of European civilians from that island on the day prior to the murder of all 50 to 60 passengers, and assisted in establishing their identity.

25. Investigations in the island areas north of Australia, formerly occupied by the Japanese, have unearthed further evidence of war crimes by Japanese troops. Evidence forwarded to this

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Division during the current period, has resulted in the opening of several new cases, mostly concerned with the unlawful executions of Allied pilots and air crews forced down in isolated areas.

26. Evidence has also been received showing that 11 Europeans, including civilians whose identity has partly been established, were murdered by the Japanese garrison at Kavieng, New Ireland.

Apprehension

27. Although there were no requests for apprehensions during the current period, this Division has submitted a total of 54 requests for the apprehension of suspected war criminals during the past 12 months, of whom only two have not yet been apprehended.

Prosecution

28. During the past twelve months, Australian Army officers from this Division have actively participated in the prosecution of 21 suspected war criminals at trials in Yokohama. All 21 were found guilty, 4 of them being sentenced to death by hanging.

29. A number of other cases are in course of preparation at present and should be ready for forwarding in the near future.

30. A further 19 affidavits from Australians were received during the current period, making a total of 920 received to date.

31. A total of 16 Japanese suspected war criminals have been transferred from Japan to Rabaul for trial by an Australian Court, and 17 Japanese civilians, members of a defense party were also transferred to Rabaul during the past 12 months.

CANADIAN DIVISION

Prosecution

32. During the period two trials with Canadian interests and a member of the Canadian Division as prosecution were completed in one trial.

33. The accused Hyoichi OKUDA was originally a defendant in

a common trial with three others (See Paragraph 28 February Summation) This trial began 15 September 1946. The accused was severed from the case because he was suffering from pluerisy and had been hospitalized.

34. On 13 March 1947, OKUDA was deemed fit to stand trial and the case was continued. Final arguments were heard on 17 March 1947 and the verdict was given on 18 March. The Commission sentenced OKUDA to 33 years imprisonment at hard labor.

BRITISH DIVISION

Investigation

35. During the period covered by this report members of this Division have conducted 69 interrogations which resulted in the reception of 39 sworn statements. The examination of the records obtained from General Headquarters Army Shipping Transport Command at Ujino has been completed. The emphasis of this inquiry was placed on South Siam cases and Kempei Tai atrocities committed in Burma.

Apprehension

36. Request for the apprehension and arrest of 27 more suspected war criminals have been made by this Division bring the total outstanding requests for apprehension to 518. At present there are 59 suspects in Sugamo Prison awaiting transfer to SEAC for trials and there are four more under hospitalization. During the month there were four war criminal suspects transferred to Hong Kong and Singapore to await trial.

Prosecution

37. There was one case involving British subjects completed at Yokohama during the month. This brings the total number of cases with British interest to 31 cases involving 66 defendants. One case is at present being heard and a further 36 are now ready for trial.

38. Forty-six more affidavits have been received from London and Australia in reply to requests initiated on behalf of various Division of Legal Section. Twenty five new requests were made in connection with cases in Japan and the Sea Transport cases. These requests bring the total number of affidavits requested by this Division to 522.

CHINESE DIVISION

Investigation

39. During the period covered by this report members of this Division conducted seven interrogations, of which four were reduced to sworn statements.

40. The interrogation of a retired Japanese soldier who possessed a series of photographs relating to scenes of Chinese beheadings and with certain other information that has proven of use in other investigations has been completed.

41. At the request of this Division, Chinese investigators at Canton, China, have interrogated three former Japanese Navy Officers about the Allied Prisoner of War Camp on Hainan Island. Information has been transmitted to relative Divisions of this section for consideration.

42. A letter received from Nanking Authorities indicated that Lt. General Yuitsu TSUCHIBASHI, a suspected war criminal also wanted by British Authorities is at present confined in Nanking Army Prison awaiting trial by a Chinese Court.

43. Various investigation on Japanese atrocities committed against Chinese Nationals in China and in Japanese were being brought to a close as a result of this Division being able to secure the necessary information for the preparation of charges and specifications against the accused.

Apprehension

44. One request has been made by this Division for the apprehension and incarceration of a war criminal suspect, during the current period.

45. During this period, various investigations and successive interrogations were concentrated on the preparation of the Chusan Labor Camp Case. Supplementary affidavits and exhibits were obtained by this Division from various sources as a further aid in preparing the case.

46. A prospective case, supported by a completed investigation with two sworn statements of Japanese witnesses and a series of photographs showing the beheading of Chinese and identifying their executioner, was under preparation of trial. There are a number of other cases in the various stages of preparation.

NETHERLANDS DIVISION

Investigation

47. During the period under review a member of this Division completed 19 interrogations three of which were reduced to sworn statements. At the close of the period there were several more interrogations in progress but not completed.

48. Acting as Liaison for the Legal Section this Division has forwarded requests asking that investigations be conducted in the NEI in connection with war crimes committed in the NEI against Allied personnel, chiefly these atrocities were committed against crashed American fliers.

49. Four other requests were made for conducting investigations in the NEI concerning alleged murders of American personnel.

50. One case involves 11 airmen murdered at Balikpapan, Borneo; another case 3 airmen murdered at Samarinda, Borneo; the third case concerns 2 airmen murdered somewhere in the Moluccas, the fourth case a rumored massacre of some 70 American personnel (Army and Navy) at Tjilatjap, Java.

51. A report on findings at Balikpapan, including a situation sketch and dental charts of exhumed remains, has been received to date. Further inquiries are being made in all four cases.

Apprehension

52. To date 47 requests have been made for the apprehension and arrest of war criminal suspects. At the close of this report 26 of the 47 suspects requested have been interned.

53. The transfer of Vice Admiral Kunizo MORI to NEI jurisdiction is being requested by Netherlands Military Mission, Tokyo. MORI was sentenced to life imprisonment by a Military Commission at Guam, and is at present held in Sugamo Prison. His trial in the NEI is desired on a different set of charges relating to his responsibility for atrocities committed by his "Combined Sasebo Special Landing Party" during the campaign in the Celebes from January to March 1942.

54. A variety of atrocities committed in the Rhio Archipelago, NEI, accounts for 29 suspects whose apprehension has been requested.

55. A case in Semarang, Java, where Army Officers, including a Major General, as well as civilians, directly or indirectly forced some 70 young, interned girls into army brothels accounted for ten suspects being listed in Apprehension Memoranda to date. Other Officers are being held in Java in this connection, and sworn statements by those individuals are being taken by this Officer. The grave crimes committed in this case stand out among many others.

PART II
PHILIPPINES

INVESTIGATION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

56. During the current report period, 21 February to 20 March 1947, 27 reports were forwarded to Review Division for closing, 16 cases were forwarded to Prosecution Division for trial. No new reports of atrocities were received for investigation, but one case was reopened for further investigation in Palawan. Five cases were actually worked upon, including the interrogation of a former American prisoner of war. Two cases were re-investigated and recommended closed during this period. At the present time, eight cases are being held for further investigation. Approximately 33 witnesses were secured from the islands of Mindanao, Negros, Cebu, Bohol, Leyte and Panay by airplane. At present, an investigator is in Cebu for the purpose of securing witnesses for a case that is in trial.

57. To date 110 cases are in Prosecution, eight are held for further investigation, 192 have been closed, and 34 have been recommended closed.

58. The PS 220, a small Army transport, is awaiting completion of repairs to proceed to Palawan with Major Prewitt for the purpose of re-investigating two reports on that island and apprehending Japanese stragglers. Several witnesses will be returned to their homes en route to Palawan.

APPREHENSION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

59. As of 20 March 1947 there were 556 Japanese Prisoners of War detained in the Philippines for participating in war crimes activities, of this total figure 438 are identified war criminals, 102 are suspected war criminals, and 16 are being held as witnesses. Nine suspected war criminals are presently held in Sugamo Prison Tokyo awaiting transfer to Manila, of the 438 identified war criminals 65 are in custody at

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Luzon Prisoner of War camp No. 1 as condemned or sentenced war criminals.

60. There were five identified war criminals who escaped from custody during the period of this report, these are still at large.

61. During the period of this report there were no prisoners of war received from outside sources and placed into custody.

62. There were 18 Japanese prisoners of war cleared at the requests of other Divisions due to insufficient evidence or lack of proper witnesses. There were 12 prisoners of war detained during this period at the request of other Divisions and there were 53 apprehended at the request of other Sections.

PROSECUTION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

63. Seven trials were completed during the period of this report 21 February 1947 to 20 March 1947. Four cases with one accused each; one case with two accused; one case with five accused; and one case with 10 accused, six of whom were dismissed without prejudice by the Prosecutor. Eleven cases were referred to the Commanding General, Philippines-Ryukyus Command, for trial. Five additional trials were not completed at the close of this period. Ten new cases are assigned to Prosecutors and are in the process of being prepared for trial. There are approximately 203 additional prospective cases.

64. The following are statistics of the results of the war crimes trials in the Philippines from the first trial through 20 March 1947:

Total number of persons tried - - - - -	196
Total number of persons convicted - - - - -	181
Total number of death sentences - - - - -	87
Total number of persons actually executed -	39

prisoners of war, by striking them with swords.

TANIGUCHI was charged with command responsibility for the killing of five Americans. Each of the other defendants was accused as a perpetrator, each one having killed one American. The killings were committed on or about 24 November 1944 at Kendari in the island of Celebes, Netherlands East Indies. The trial began 4 February 1947.

On 28 February 1947, at 1330 hours, the Commission rendered a verdict of "guilty" against each defendant.

Trial of Yasuo HIROSE, et al

67. The accused were charged with three specifications, two of murder and one of rape. HIROSE was charged with all of the specifications and TAKATA was charged with one of them. The charges were those of individual responsibility rather than that of command responsibility. The offenses were committed on the Island of Cebu, in and around the barrio of Sengi and the town of Toledo, on the west coast of the island.

The trial began on 10 February 1947, a verdict of "guilty" against each of the defendants at 0900 hours, 27 February 1947.

Trial of Naoki HAMASHAKI

68. The accused, formerly a Sergeant Major in the Imperial Japanese Army, was charged with command responsibility for the unlawful killing of six Filipino civilians and with participation and command responsibility for the rape of seven Filipino girls, all of the incidents occurring on Siquijor Island, Negros Oriental Province, P. I.

The trial began on 14 February 1947, on 24 February 1947 the Military Commission found the accused "guilty" of ordering the execution of one of the victims, "guilty" of raping and command responsibility for the rape of three Filipino girls. The accused was found "not guilty" of the other specification and "guilty" of the charge. He was sentenced to death by hanging.

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Trial of Eumao TANI

69. The accused, formerly a First Lieutenant in the Imperial

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Japanese Army, was the Commanding Officer of the Kempei Tai Unit located in Davao City, Mindanao, Philippines. He was charged with wrongfully and unlawfully participating and allowing members of his command to participate in the brutal mistreatment, abuse and torture of two Filipino civilians.

The trial began on 20 February 1947, on 24 February 1947, the Military Commission sentenced the accused to five years imprisonment at hard labor.

Trial of Masami FUJIMOTO

70. The accused was formerly a Private First Class in the Imperial Japanese Army. He was accused with two specifications of rape in addition to the charge of the violation of the laws and customs of war. These acts were committed in December 1943, at which time FUJIMOTO was assigned as an interpreter to the Commanding Officer at Palo, Leyte.

The accused was found "guilty" of the charge and one specification, and "not guilty" of the second specification. The trial began on 14 March 1947, on 18 March 1947, the Military Commission sentenced the accused to death by hanging.

Trial of Nobuo YAMAMOTO

71. The substance of the charge and specification was that the accused, Nobuo YAMAMOTO, a Warrant Officer in the Imperial Japanese Army, violated the laws of war by permitting members of his command to torture and mistreat a number of victims during a period of about two months. The situs of the crime was Kempei Tai Headquarters at Dumaguete, Negros Oriental, Philippine Islands.

The trial began on 14 March 1947, the Military Commission rendered its verdict on 20 March 1947. The verdict was: Of specification, "guilty"; of Charge, "guilty". The sentence was that the accused be imprisoned for seven years.

Trial of Yokio OGO, et al

72. Eight specifications charged 10 Japanese with a series of atrocities committed from June 1945 to December 1945 in the area of

Sierra Bullones, Bohol, P. I., against Filipino civilians. Three specifications, one for rape, the others for murder, identified the above Japanese as the perpetrators of the crimes. The five remaining specifications were based on command responsibility and involved unlawful killings.

The trial started on 26 February 1947. During arraignment and prior to the pleas of the accused, the Prosecution dismissed the charge and specifications against the following:

Hidetada TABATA - Civilian
Tadashi UMEMOTO-Superior Private
Katsuyoshi KISHI - Private 1st Class
Tosheharu HIROYAMA - Superior Private
Tedozi NAKAMURA - C/Private
Keichiro HAMANAKA - Private 1st Class

The dismissal was made because the victim in the rape specification could identify only two out of three Japanese charged and the witness to the seventh specification could not identify any of the Japanese therein charged. The remaining four accused pleaded "not guilty".

Yokio OGO, a Corporal, was charged with rape, stabbing to death an unarmed Filipino, and command responsibility for the remaining six specifications. Hiroki ETO was accused of striking over the head with a gun butt, at the time of the homicide, the victim OGO had stabbed. Akeyoshi OKUMURA, C/Private, was on the scene of this killing and was charged with passive participation. Tokiyoshi TAGA was accused of rape.

The trial began on 26 February 1947, on 10 March 1947 a verdict and sentence was returned. The Commission made a finding of "not guilty" on specifications 4, 5, 6 and 7. The sentences were as follows:

Yokio OGO - Death by hanging
Hiroki ETO - Life imprisonment at hard labor
Tokiyoshi TAGA - 50 years at hard labor
Akeyoshi OKUMURA - 30 years at hard labor

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R7/FE/11/6

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 19

APRIL 1947

STATISTICS & REPORTS

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 319.1

Monthly Summation No. 19
April 1947

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PHILIPPINES

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PART I
JAPAN

LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported as follows:

Netherlands National

2. The Netherlands Military Mission sent a note to the Diplomatic Section requesting SCAP Legal Section review of case involving a Netherlands national and a Japanese national. The dispute in question arose over removal of the Netherlands national's business signboard. The case was tried at a Kobe civil court and an appeal has been taken from the Court's finding against the Netherlands national. The Legal Section concurs with the Diplomatic Section's viewpoint that the request for a SCAP review of the suit is premature in view of the fact that an appeal has been taken from the lower court's decision. The Legal Section also stated, in its reply to the Diplomatic Section, that "ordinarily, questions of law and fact decided by Japanese courts, contrary to the interests of a United Nations national, do not constitute cause for review unless such decisions are arbitrary and discriminatory."

Commercial Exploitation of Enemy Commodities

3. The Budget Officer of the War Department, wrote a letter to CINCPAC requesting that more stringent control be exercised over shipment of Japanese commodities to the U. S. by War Department personnel in this theatre and suggesting an examination of "existing regulations with a view to determining their effectiveness and possible further implementation." ESS drafted a proposed first endorsement to this letter, listing the various Staff Memos and Circulars issued by SCAP-APPAC, with reference to "Blackmarket" and "Trading with the Enemy" activities, and describing their application in control thereof. It

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stated, also, that complete control of such activities solely within this theater was not considered feasible and recommended that theatre controls be coordinated with enforcement in the United States. The Legal Section concurred with the proposed reply.

Iranian National

4. A request was received from Tokyo Provost Marshal thru EIGHTH Army requesting the confirmation of nationality of an Iranian national and, if confirmed, the appointment of a representative of Iran to sit on a provost court in his trial. He was apprehended while in possession of a firearm and a large quantity of American goods. The Legal Section interviewed this individual who produced satisfactory evidence to substantiate his Iranian citizenship. However, as there is no representative of Iran available for appointment to the provost court, a second indorsement was written on basic letter authorizing EIGHTH Army to substitute a member of BCOP in this case.

Japanese Laws re Stolen Goods

5. Check sheet received from Government Section concerning letter from EIGHTH Army suggesting that a directive be issued to IJG amending Article 194 of the Civil Code of Japan. The EIGHTH Army believes that said Article "would seem to encourage theft, as there is no loss to the thief or the dealer in stolen goods." The Government Section, upon analyzing Article 194 states: "It is submitted that Japanese authorities may be incorrectly interpreting the law in that the law does not require the victim to buy back articles in the hands of a dealer or store which bought them from the thief. In other words, it appears that the fault lies not in the law, but in the construction and application being placed upon it," and does not recommend that a directive be issued in this instance. The Legal Section concurs.

Smuggling

6. CG RYKOM wired CINCFE requesting apprehension and arrest of captain and ship which sailed from Naze Amami Oshima, Okinawa, on 18 December 1946 with suspected cargo of blackmarket sugar aboard. The CG, EIGHTH Army informed CINCFE that said captain and ship were

found at Miyazaki, Japan, and that a Japanese court there had tried and sentenced the Personnel of the ship and ordered confiscation of ship and cargo. The EIGHTH Army inquired whether the decision of the Japanese court should be upheld, or whether the vessel and crew should be released to the Naze police for return to Okinawa. The Legal Section recommended to G-4 that the ship and crew be released from Japanese jurisdiction for return to Naze Military Government authorities, inasmuch as CINCFE had previously notified EIGHTH Army that native police of Naze had been sent to apprehend and return the captain and vessel to Naze.

Military Occupation Courts

7. Letter order sent to COMNAVFE granting authority to establish military occupation courts. The authority had previously been granted in March 1946 to COMNAJAP (redesignated COMNAVFE) so transfer of authority had to be made.

Suggested Schedule of Allowances for Japanese Civilian Witnesses

8. The Judge Advocate's Section has asked for suggestions from the Economic & Scientific Section, the Fiscal Director and the Legal Section as to setting up a standard schedule of rates to cover costs incurred by Japanese witnesses at courts-martials, provost courts, and war crimes courts, these amounts to be paid by the Japanese government. The Legal Section is mainly interested in war crimes prosecution in Yokohama and the establishment and functioning of military occupation courts, and has provided (under its supervision) a Japanese-style house to feed and billet Japanese witnesses at Japanese government expense. This a very satisfactory arrangement and it is essential that it be continued. Inasmuch as the proposed action by the Judge Advocate contemplates a comprehensive plan for meeting the expenses of all Japanese witnesses, it is suggested that the International Prosecution Section and the Defense Panel, IMTFE, be requested to submit its views in this matter.

Appointment of Chinese Representative

9. Radio sent to CG EIGHTH Army advising appointment of the Chief of Chinese Mission branch in Osaka, for provost court trial of 47 Chinese nationals in 25th Division area.

British Commonwealth War Cemetery

10. Check note sent to G-4 with reference to land in Yokohama requisitioned by BCOF for use as a cemetery. Recommended that "assurance" of title to this land, by SCAP, should extend only to such period of time as the occupation authorities may either legally requisition Japanese realty of keep in effect requisitions already issued.

Marriage

11. Had conference at Yokohama with reference to legal assistance matters involving marital relations of certain military personnel.

Divorce

12. Conference with Japanese Ministry of Justice representative on present German divorce laws. They were provided with copies of such laws.

War Criminals

13. Conference with the Government Section; arranged to submit the names of suspected war criminals to them in order that they may first purge suspected war criminals.

Conferences

14. Formosans

Conference with representatives from Department of Justice, IJG, in regard to application of SCAPIN 1543. Advised that civil cases involving Formosans do not come within the provisions of this directive, which requires that criminal cases concerning United Nations nationals be reported to this headquarters.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

15. During the period 24 March - 24 April 1947, the Investigation

Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

16. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 March	Cases received 25 March - 24 April	Cases closed 25 March - 24 April	Cases on hand 24 April	Reports submitted 25 March 24 April
POW Camp Conditions	12	0	0	12	20
Fliers	569	120	13	676	61
POW Ships	52	0	1	51	29
Kempei Tai International Police	30	0	0	30	8
POW Atrocities	124	4	3	125	37
Miscellaneous	771	122	38	855	304
Total	1558	246	55	1749	459

APPREHENSION OF SUSPECTED WAR CRIMINALS

17. During the period 25 March - 24 April 1946, seven memoranda were issued directing the Imperial Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 44 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons ordered Apprehended</u>
AG 000.5 (31 March 47)	1590	4 Army Officers 3 Army Enlisted Men 1 Navy Officer 5 Civilians
AG 000.5 (31 March 47)	1589	2 Army Enlisted Men 1 Civilian
AG 000.5 (3 April 1947)	1596	6 Army Officers 3 Civilians
AG 000.5 (12 April 1947)	1607	2 Army Officers 3 Army Enlisted Men 3 Civilians
AG 000.5 (12 April 1947)	1608	1 Army Officer
AG 000.5 (18 April 1947)	1613	1 Army Officer 1 Army Enlisted Man 5 Civilians

AG 000.5 (21 April 1947) 1620 3 Civilians

18. In six memoranda the Imperial Japanese Government was notified of the deletion of 11 names of persons ordered apprehended, which had appeared on previous memoranda.

AG 000.5 (26 March 1947)	1584	2 persons
AG 000.5 (3 April 1947)	1594	1 person
AG 000.5 (3 April 1947)	1593	2 persons
AG 000.5 (18 April 1947)	1616	4 persons
AG 000.5 (19 April 1947)	1618	1 person
AG 000.5 (21 April 1947)	1621	1 person

19. By four memoranda the Imperial Japanese Government was notified of the clarification of status of six Japanese whose names had appeared on apprehension memoranda.

AG 000.5 (22 March 1947)	1578	1 person
AG 000.5 (5 April 1947)	1601	1 person
AG 000.5 (11 April 1947)	1605	2 persons
AG 000.5 (18 April 1947)	1614	2 persons

20. By one memorandum the Imperial Japanese Government was notified that Yutaka SAGAE, formerly a Sergeant in the Japanese Army who had been interned in Sugamo Prison and was at the time interned in 361st Station Hospital, Tokyo, would be removed and placed in a reliable Japanese Hospital for the care of mentally deranged patients. SAGAE had been charged with perpetrating war crimes against Allied Prisoners of War and had been on trial a short time when it was declared that he was mentally deranged. He was severed from the case and placed in the hospital for medical treatment. (See Paragraph #31 U. S. vs Toshinori ASAKA et al)

21. On requests initiated by this Section 80 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1015 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

JAPAN

22. During the period 25 March - 24 April 1947 13 trials were completed. At the close of the period there were 8 trials in progress. In addition to the cases completed and those in session, seven new cases were referred to the Commanding General EIGHTH Army for reference to a Military Commission for trial. At this time there are 155 cases in various stages of preparation and there are nine additional prospective cases.

23. Statistics concerning war crimes trials held in Yokohama are as follows: To date 183 defendants have been tried, 179 have been found guilty and four not guilty. Nineteen of the 144 accused found guilty have been given the death sentence. Five death sentences have been executed and fourteen are awaiting approval. The remaining 180 war criminals were sentenced to terms of imprisonment ranging from one year to life.

Statistics of War Crimes Trials Completed During the Current Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Minoru FUJIMOTO	Guard	Civ.	3 Mar - 16 Apr 47	15 years
Saburo KOZAWA	Guard	Civ.		23 years
Toshio MIZUNO	2nd in Command at Camp	Cpl.		17 years
Masatomo KIKUCHI	Guard	Civ.		12 years
Syokei MATSUO	Camp Comdr.	1st Lt.		17 years
Hyoichi NEMOTO	Camp Comdr.	Capt.		3 years
2. Ryugo KANETSUNA	Camp Comdr.	2nd Lt.	3 Apr - 14 Apr 47	9 years
Junji MANO	Guard	Sgt.		4 years
3. Tsunesuke TSUDA	Guard	Civ.	20 Mar - 1 Apr 47	40 years
4. Takeshi HASHIMOTO	Camp Comdr.	Sgt.	5 Mar - 10 Apr 47	8 years

5. Yukinaga KIMURA	2nd NCO	Sgt	17 Apr- 18 Apr 47	8 years
6. Masafumi SUGI	Dr's. Asst.	Civ.	27 Mar - 4 Apr 47	40 years
7. Tetsuo KOBAYASHI	Med. Off.	2nd Lt.	14 Oct 46 2 Apr 47	20 years
8. Toshmori ASAKA	Camp Comdr.	1st Lt.	30 Oct. 46 21 Mar. 47	12 years
Koichi TAKAHASHI	Adm. NCO	Sgt		1 year
Tetsuro YOSHIO	Med. Dept.	Cpl		15 years
Yutaka SAGAE	QM. NCO	Sgt		Severed
Tokuji IONEMURA	Guard	Civ.		10 years
9. Yagoheiiji IWATA		Sgt.	2 Apr - 5 Apr 47	12 years
10. Shurchi TAKATA	Camp Comdr.	Capt.	24 Feb - 26 Mar 47	40 years
Toshio GOTO	Sgt/ Maj	Civ.		40 years
Shigeki ETO	Guard	Civ.		30 years
Tsuzuo OTA	Guard	Civ.		30 years
Benji ITO	Overseer	Civ.		20 years
11. Masaoki MURAI		Sgt.	24 Mar - 26 Mar 47	8 years
12. Yoshio OGIMOTO	Guard	Civ.	3 Apr 11 Apr 47	5 years
13. Masashi SATO	Camp Comdr.	Capt.	24 Mar - 11 Apr 47	5 years
Matsusaburo SHIRAKAWA	Sgt/Maj	Sgt.		10 years
Kyusho MASAKI	Interpreter	Sgt.		20 years

* All the sentences are to be served for the specified period at hard labor.

Trial of Minoru FUJIMOTO et al

24. Minoru FUJIMOTO, a civilian guard, was one of the most hated civilian guards at the camp. While the beatings he administered were not so frequent as those of some other guards, they were much more severe and brutal.

Saburo KOZAWA, formerly a civilian guard, was regarded by the prisoners at the Hitachi Camp as the worst perpetrator of war crimes.

The beatings and other mistreatments which he inflicted were frequent and severe and given on the slightest provocation.

Toshio MIZUNO, formerly a corporal in the Japanese Army, was charged with numerous beatings and torturing of the prisoners by burning their flesh. The accused applied this treatment primarily as a means of instilling fear into those men who might otherwise have asked to be excused from work when sick.

Masatomo KIKUCHI, was a Civilian Guard, at the Hitachi Camp. He was known as a beater.

Syokai MATSUO, formerly a First Lieutenant succeeded NEMOTO as Camp Commander. He was charged with failure as Camp Commander to provide adequate food, clothing and failure to prevent the theft of Red Cross supplies. He also permitted the men under his command to inflict the moxa-bustion torture upon the prisoners.

Ryoichi NEMOTO, formerly a Captain in the Japanese Army, was Camp Commander at the Hitachi Camp. The prisoners under the command of the accused were assigned to the task of drilling, mucking and hauling copper ore at unbearably high temperature at levels of 800 feet and more below the earth's surface. His charges were similar to those of MATSUO. Beatings as well as thievery of the prisoners' Red Cross supplies by the Japanese went unnoticed and unpunished by the accused. He was derelict in his obligation to the prisoners under International Law or any code of decency and humanity.

Trial of Ryugo KANETSUNA and Junji MANO

25. Ryugo KANETSUNA, formerly a second Lieutenant in the Imperial Japanese Army, was Camp Commander at the Tokyo Area Prisoner of War Camp 18-D, also known as Yokoyama Fire Brick Yard Number 18-D, Yokohama, Honshu, Japan, between December 1944 and June 1945. He was also camp commander at Tokyo Area Prisoner of War Camp 19-D, also known as Yokohama Stevedoring Company, Yokohama, Honshu, Japan, thereafter he took command of Prisoner of War Camp 2-B, Kawasaki, Honshu, Japan. The accused is charged with violating the Laws and Customs of War in that

he caused prisoners to work in regions exposed to the hazards of war without proper shelter, thereby contributing to the death, during an air raid on or about the 25th of July 1945, of 22 American and Allied Prisoners of War. It is charged that KANETSUNA did disregard and fail to discharge his duty as camp commander and restrain members of his command, by permitting them to mistreat, beat, abuse and commit other atrocities against American and Allied Prisoners of War. The accused personally participated in a number of these atrocities.

Junji MANO, was a Sergeant of the Guard at Tokyo Area Prisoner of War Camp 19-D from May 1944 to April 1945. From the affidavits of former Prisoners of War Lieutenant KANETSUNA made little if any effort to control or restrain Sergeant MANO. A conclusion based upon the statements contained in the numerous affidavits in this case, is that Sgt. MANO was directly responsible for a very large measure of the beatings, abuse and mistreatment of the inmates of this camp.

Trial of Tsunesuke TSUDA

26. Tsunesuke TSUDA, was nicknamed by the prisoners of war "The Emperor". He was a civilian guard both at the Tanagawa Prisoner of War Camp, and the Tsuruga Prisoner of War Camp, both of which were in the Osaka Area, TSUDA served at the Tanagawa Camp from November 1942 to March 1945, and at the Tsuruga Camp from April 1945 until August 1945. His position at the camp was that of a civilian guard or a detail loader.

It is charged that the accused participated in a series of aggravated assaults and beatings. Generally these beatings were made with his hands, fists, chairs, slippers, and clubs or any other implement he found useful for beating the prisoners. Many times the accused acted in concert with others in administering these beatings, other time dispensing his wrath on some unfortunate prisoner without help from other members of the camp staff. The accused is also charged with the appropriation of Red Cross supplies, intended for the prisoners, for his own use.

Trial of Takeshi HASHIMOTO

27. Takeshi HASHIMOTO was charged with mistreating and abusing American Prisoners of War by beating them during their internment at the Yodagawa Branch Prisoner of War Camp, Osaka Area, Honshu, Japan. That on numerous occasions at this camp HASHIMOTO as Commander inflicted collective punishment on prisoners for the alleged offense of individual prisoners, some of which instances being as follows: Placing prisoners on half rations and forcing them to stand in formation in a heavy rain for a long period of time. He unlawfully disregarded and failed to discharge his duty as Commander of this camp by permitting the persons under his supervision and control to commit atrocities and offenses against American Prisoners of War as beating a prisoner in, on and about the head with a hammer thereby contributing to his death, and by forcing the prisoners to do arduous exercise.

Trial of Yukinaga KIMURA

28. Yukinaga KIMURA, was a Sergeant in the Japanese Army. He served as second in command at Umeda Prisoner of War Camp, Osaka Area, Honshu, Japan from March 1945 to May 1945. Although the accused was only at Umeda Prison Camp for a very short time he administered numerous brutal beatings to the American Prisoners of War.

Trial of Masafumi SUGI

29. Masafumi SUGI, formerly a civilian employee at Fukuoka Prisoner of War Camp Number 10 Futase, Kyushu, Japan was a clerk employed in the sick bay as a doctor's assistant from 1 August 1944 until the end of the war. He is charged with the beatings of American Prisoners of War, some of whom had been injured in an accident in a coal mine where they were working.

Trial of Tetsuo KOBAYASHI

30. Tetsuo KOBAYASHI was formerly a 2nd Lieutenant in the Imperial Japanese Army, and Medical Officer at the Sendai Prisoner of War Camp 3-B, Hosokura, Honshu, Japan, during the period January to July 1945. He is charged with not only being incompetent but also with being criminally negligent in the performance of his duties as Medical Officer.

Trial of Toshinori ASAKA et al

31. Toshinori ASAKA, ex-First Lieutenant in the Japanese Imperial Army, was commander of Sendai Area Prisoner of War Camp No. 5, Hanawa, Honshu, Japan, from 15 September 1944 to 13 September 1945. He is a well educated man of 35 years of age, married and speaks English fluently but refuses to converse with Americans other than in his native tongue. He is a graduate of Japanese Commercial College and was an accountant in Tokyo in civilian life. He entered the Japanese Army in 1936 and served several years in China. He presents a very smart military appearance.

Life for prisoners of Hanawa Camp was intolerable. The Camp was staffed with extremely brutal personnel who were permitted to beat and inhumanly punish prisoners for slight or fancied infractions of regulations without restraint. The prisoners were compelled to labor in the Osarizawa Copper Mine of the Mitsubishi Company at Hanawa. The Osarizawa Copper Mine is the oldest mine in Japan, having been in continuous operation for 1300 years. Mining methods there have remained unchanged for centuries, and ore is mined largely by sweat and muscle. Generations of families in the district have been employed in the mines under slave labor conditions. When prisoners of war were compelled to labor in the mines under their supervision, the miners seized upon their new found sense of superiority and enthusiastically engaged in treating Americans like cattle. The Camp personnel encouraged the miners in their inhuman treatment of the prisoners. Little protection was given them against the danger of tunnel cave-ins or sliding rocks. Mine guards seemed to take a special delight in forcing prisoners to work in dangerous spots in the mines.

Yutaka SAGAE was a sergeant in the Imperial Japanese Army then and in charge of supplies at the camp. About 35 years of age and only 5 feet 2 inches tall he had the habit of constantly roaring orders and insults at the prisoners who appropriately dubbed him "Bull of the Woods". He was very intolerant and unpredictable and had an intense hatred of the

late President Roosevelt. Many punishments were meted out by him because prisoners refused to say "Roosevelt no good" at his command. It is charged that the general starvation of prisoners is traceable to his thefts.

Koichi TAKAHASHI, then a sergeant, was the ranking non-commissioned officer at the camp. Prior to entering the Japanese Army in December 1943, he was a student at Wadeda University where he was majoring in English and preparing for an educator's position in English. He was second in command of the camp and in full charge each night. He was very proud of his knowledge of judo and used every opportunity to demonstrate its effectiveness on prisoners.

Tetsuro YOSHIO, a former Corporal in the Medical Corps, Japanese Imperial Army, was in charge of the dispensary and hospital at the camp. He is about 34 years old and 5 feet 1 inch in height. He claims not to have had any civilian occupation but following eight years of schooling was employed as a clerk in a relative's store. He spent four years in Tokyo handling medical supplies for his Prefecture. His medical experience is limited to four months service at Hirosaki Army Hospital. YOSHIO was in charge of treating the sick prisoners during the fall of 1944, and by his own admission, the duty was distasteful to him. It was apparent that he was totally unqualified and unable to cope with any serious illness. There was no Japanese Medical Officer in attendance at the camp and the accused conducted daily sick call. He deliberately discouraged prisoners from appearing on the sick list by beating them each time they appeared, the severity of the beating depending on the mood he was in.

Tokuji YONEMURA was a foreman in the Osarizawa Copper Mine of the Mitsubishi Mine Works, Inc. The accused was very active in using physical force to compel prisoners of war to labor under dangerous conditions. The beatings administered by the accused were extremely vicious in their nature. He broke the arm of one prisoner with a club, beat another into insensibility, and in one instance clubbed a prisoner so brutally as to sever the ear of the prisoner from his head disfiguring

him for life.

Trial of Yagohei I IWATA

32. Yagohei I IWATA, formerly a member of the Imperial Japanese Army was Mess Sergeant at Fukuoka Prisoner of War Camp Number Two, Koyagimura, Nagasaki, Kyushu, Japan, from October 1942 to October 1943. It is charged that IWATA willfully and unlawfully mistreated, tortured, abused and beat numerous American and Allied Prisoners of War. He punished prisoners collectively for the alleged infractions of individual prisoners.

Trial of Shuichi TAKATA et al

33. Shuichi TAKATA, Toshio GOTO, Shigeki ETO, and Tsuzuo OTA were all formerly members of the Camp staff at the Fukuoka prisoner of war camp 8-B. Benji ITO was a civilian employee of the Mitsui Yamano Kogyo-sho, Daiki, Kofune-ko Coal Mine, Kamo, Fukuoka, Kyushu, Japan.

Shuichi TAKATA was a Captain in the Japanese Army and in command of the Fukuoka Branch Camp 8-B from May 1945 until the end of the war. He is charged with failing to discharge his duties as camp commander in that he failed and neglected to provide adequate food, quarters and medical care for the prisoners of war under his control.

Toshio GOTO, was a civilian employee at the Fukuoka 8-B camp from May to August 1945. As a civilian he performed the duties of Sgt/Major of the Camp. It is alleged that during the month of August 1945 the accused beat a Dutch prisoner of war with a heavy chair. The beating was so severe that it resulted in the victims chest being crushed. At the same time many other prisoners were beaten by GOTO. The accused beat some of them into unconsciousness, revived them with water and then continued the beating. The accused is alleged to have beaten prisoners on the head until they fell to their knees, this occurred when the accused thought that the victims had not worked hard enough.

Shigeki ETO was a civilian guard assigned to the Fukuoka 8-B Camp from February 1943 until August 1945. It is alleged that in the month

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of July 1945, he so brutally beat Private Clifford Keller, 928 Thirteenth Avenue, North St., Cloud, Minnesota, so brutally that Keller's left arm which was in the process of healing was rebroken. The accused is also charged with torturing prisoners of war by bending their fingers backward.

Tsuzuo OTA was also a civilian guard at the Fukuoka Camp. He was assigned to the camp from March 1944 until November 1944. He was taken into the Japanese Army in November 1944 and was discharged in April 1945, returning to the Fukuoka camp he remained there until the end of the war.

Trial of Masaaki MURAI

34. Masaaki MURAI, was formerly a sergeant and Chief Clerk in the Japanese Imperial Army. Upon entering the Army he tried to qualify as an officer but failed the required examination and was assigned to the Fukuoka Prisoner of War Camp No. 2 as a guard. This seemed to have given MURAI an inferiority complex which he tried to compensate for by beating and otherwise abusing the prisoners of this camp.

It is said that a large percentage of the prisoners he beat, for petty reasons, were left crippled for weeks. He also incarcerated prisoners for as long as five days in succession without food or drink. MURAI is described by ex-prisoners as being the worst guard in the camp, he exerted himself to obstruct improvements and to inflict hardships upon them.

Trial of Yoshio OGIMOTO

35. Yoshio OGIMOTO was a civilian guard at the First Branch Camp, Zentsuji, Hiroshima Prisoner of War Camp, Hiroshima, Honshu, Japan between October 1943 and April 1945. He was charged with the inhuman and brutal beatings and abuse of numerous American and Allied Prisoners of War.

Trial of Masashi SATO et al

36. Masashi SATO, formerly a Captain in the Japanese Army was in command of Sendai Area Prisoner of War Camp No. 7, Hanaoka, Honshu, Japan,

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between 24 January 1945 and 9 July 1945. He is 36 years of age and married. In civilian life he was employed as a clerical worker in a farm bureau.

Hanaoka Camp, under the command of the accused was a veritable "hell hole" for prisoners of war. Food was pitifully inadequate at all times. Intense cold weather and six feet of snow added to their sufferings. Prisoners were compelled to work in open pit iron mines dressed in light cotton uniforms laboring in snow and ice water in straw sandals, grass gloves and grass rain coats. Each man suffered from frost bites and large unhealing sores on their feet for which no medical attention was given until a man could not longer walk. No heat was permitted in the prisoners' quarters and men returning from work cold and wet were forced to go to bed for warmth. SATO as Commander of this camp is charged with the responsibility for the above conditions.

Kyoshu MASAKI also known as Oikatsu MASAKI, formerly a Sergeant in the Japanese Army, was the ranking non-commissioned officer and interpreter at the Hanaoka Camp. The accused MASAKI is alleged to have availed himself of every opportunity to brutally beat prisoners of war for no known reason. He is charged with ordering the guardhouse confinement of two prisoners under inhuman conditions and with refusing medical treatment and hospitalization to an American Prisoner of War who was ill with pneumonia, and who subsequently died. Other charges include forcing prisoners to stand at attention for long periods of time and repeatedly beating them.

Matsusaburo SHIRAKAWA, formerly a Sergeant in the Japanese Army, was in charge of administration at Hanaoka Camp. He mistreated and abused prisoners at every opportunity. He delighted in the use of judo, slugging the prisoners in the throat and when they dropped to the ground kicking them into unconsciousness.

AUSTRALIAN DIVISION

Investigation

37. During the period of this report 48 interrogations were

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were conducted which resulted in this Division's obtaining 22 sworn statements.

Investigations were continued into various cases of Australian personnel missing or unaccounted for after capture by the Japanese in the South West Pacific. Inquiries were made into the case concerning the massacre of Lepers on Nauru Island. New leads having been obtained caused this case to be reopened. Investigations were continued and further evidence unearthed on atrocities committed against Allied personnel or local inhabitants in the Aroe Island Group. Former Army Captain Minoru SHOJI one of those believed responsible, suicided on hearing that he was required for interrogation.

38. Evidence has been uncovered concerning the decapitation of an Australian Missionary at Dobo, Aroe Island. An eye witness to this execution has been traced and a sworn statement was obtained.

Investigations were opened in several new cases, among which were:

The Massacre of Prisoners of War at Kalidjati Aerodrome in Java.

Execution of 3 Australian special reconnaissance personnel in Borneo during December 1943.

Execution of 2 Australian airmen and suspected execution of 3 Allied Airmen in New Guinea in March 1943.

The suspected execution of 9 Australian airmen in Rabaul during May 1943.

39. This month saw the completion of this Division's investigation into the execution of two airmen, on an Island in the Kai Island Group north of Australia in 1944. The execution was accomplished by means of a frangible prussic acid grenade. A signed confession has been secured from the perpetrator.

Apprehension

40. During the month no requests for apprehension were, however, requests were forwarded to the Liaison Officer requesting that 93 Japanese be located and made available to this Division for interrogation.

Prosecution

41. During the period under review 37 affidavits from former

Australian Prisoners of War were received making the total received to date 957.

42. Two Australian soldier formerly Prisoners of War who are at present serving in Japan were brought to Tokyo during the current period, one for the purpose of attending trial as a witness and the other for the purpose of furnishing the Prosecution Division with additional evidence.

43. On 4 April 1946 six Japanese witnesses were transferred to Rabaul by air in connection with the trial of senior Japanese officers.

44. Also transferred to Rabaul on 4 April was a Japanese suspected of perpetrating war crimes, Kyohisa NOTO, formerly a Captain in the Japanese Army. He will stand trial before an Australian Court.

BRITISH DIVISION

Investigation

45. 78 interrogations have produced 22 sworn statements during the period under review. The emphasis of investigation has continued to be upon South Siam and Burma Cases. The majority of interrogations were to obtain information which would lead to the location of other wanted war crimes suspects.

Apprehension

46. The arrest of a further 22 war crimes suspects has been requested and the total of outstanding arrests is now 468. 69 suspects are in Sugamo Prison awaiting transfer and an additional three are under hospitalization.

32 War Crimes suspects left Tokyo on 9 April to embark on a transport for transfer to Singapore for trial. A further five were moved to Singapore by air during the course of the month.

Prosecution

47. The trials of 8 cases involving British subjects were completed at Yokohama during the period under review. This brings a total number of cases tried to 39, involving 76 defendants. Six cases are at present being heard and a further 27 are ready for trial.

48. Major F. E. Mostyn arrived in Tokyo on 3 April from Singapore to assist in the prosecution of cases involving British interests.

49. 71 affidavits have been received from London and Australia in answer to requests made on behalf of various Divisions of Legal Section. Three fresh requests were initiated in connection with cases in Japan. The total number of affidavits requested is now 512.

CANADIAN DIVISION

Prosecution

50. At the close of this report there was one trial with a member of this Division as Prosecutor in session. This trial involves one accused.

51. During the month a number of draft specifications have been drawn against civilian guards attached to companies employing Prisoners of War interned at the Tokyo Prisoner of War Camp 5-B, Niigata, Honshu, Japan.

CHINESE DIVISION

Investigation

52. During the period of 24 March - 25 April, 15 interrogations were conducted by members of this Division, which resulted in obtaining 11 sworn statements, concerning the execution of a Chinese prisoner of war at the Chusan Camp, Hanaoka, Akita Prefecture, North Honshu, Japan during August 1944 to September 1945.

53. Information received from Nanking during current period, concerning an American aviator shot down near Hankow, central China in September 1943, has been transmitted to Investigation Division for necessary action. A Chinese Military Court at Hankow sentenced Tsan Chen to life imprisonment on charges of handing over this injured American aviator to Japanese Authorities.

54. The status of two Japanese suspected war criminals, Lt. General Tanaka and Lt. General Sakai, and status of other suspected war criminals now confined in China, have been submitted to Criminal Registry Division of the Section for file.

Apprehension

55. During the current period five suspected war criminals including Lt. General Hara KO, Vice Admiral Yoshizo FUKUDA, Lt.

Colonel Masao MAIZAKI, Sgt. Hideji TAKAHASHI and Mr. Kazuo SHIRAKAWA have been transferred from Tokyo to Nanking for trial one request on apprehension has been submitted during the month.

Prosecution

56. Successive efforts in preparing the Chusan labor camp case were conducted by members of this Division during this month. Several other cases are in various stages of preparation.

57. A New Prosecutor, Major Fang Nai-Chang, appointed by the Chinese Government joined this Division on 20 April.

58. A number of petition letters submitted by Japanese families to this Division asking fair and expeditious trial of their relative awaiting trial of war crimes charges in China, have been forwarded to China for proper disposition during this month.

PART II

PHILIPPINES

INVESTIGATION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

59. During the current report period, 21 March 1947 to 20 April 1947, in compliance with requests from the Tokyo Office, two cases were worked on and completed. The information desired has been forwarded to the Tokyo Office. Upon request of the Prosecution Division, two reports were worked on in order to secure additional evidence and to identify a Japanese perpetrator.

60. To date, there are still eight cases to be re-investigated. One report has been under re-investigation during this report period, while the rest are held in abeyance until the arrival of the Chief of the Investigation Division, who is at present on Palawan Island, together with another investigator, reinvestigating Report #49, murder of approximately 150 American prisoners of war at Puerto Princesa, Palawan Island. In conjunction with this reinvestigation a detachment of about 100 Philippine Army M.P.'s accompanied by Major Prewitt, Chief of Investigation Division, is at present on Palawan Island conducting a campaign to apprehend from 70 to 100 Japanese stragglers reportedly still at large on said island, in an effort to find among these stragglers perpetrators who could be held responsible for the atrocities mentioned in this report. At the close of this report period 22 Japanese have been captured on Palawan Island by this expedition.

61. The FS 220 departed Manila on 25 March 1947 for Palawan Island for the purpose of conducting this campaign and reinvestigation of Report #49. At present the FS 220 remains on Palawan Island pending the completion of the above mentioned mission.

APPREHENSION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

62. As of 20 April 1947 there were 542 Japanese prisoners of war detained in the Philippines for participating in war crimes activities. Of this total figure 414 are identified war criminals, 112 are suspected

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war criminals, and 16 are being held as witnesses.

63. There are 5 identified war criminals who have previously escaped from custody and have not yet been apprehended at the close of this report.

64. During the period of this report there were six prisoner of war received from Tokyo, Japan and placed into custody.

There were 16 Japanese prisoners of war cleared at the request of other Divisions due to insufficient evidence or lack of proper witnesses.

PROSECUTION OF SUSPECTED WAR CRIMINALS

PHILIPPINES

65. Seven trials were completed during the period of this report, 20 March 1947 to 20 April 1947. Three cases with one accused each; one case with two accused; one case with three accused, two of whom were acquitted; one case with five accused, one of whom was dismissed, without prejudice, by the Prosecutor; and one case with six accused, one of whom was declared insane by the Medical Board appointed by the Commission and thereupon dismissed without prejudice by the Prosecutor; and one case with six accused, one of whom was declared insane by the Medical Board appointed by the Commission and thereupon dismissed without prejudice by the Prosecutor.

66. No new cases were referred to the Commanding General, Philippines-Ryukyus Command for trial. Three additional trials were commenced during the current period. All cases scheduled for trial by the Manila Branch of Legal Section, GHQ, SCAP, have been concluded, the last verdict being announced 15 April 1947. Two new cases were assigned to prosecutors and are in the process of being prepared for trial. There are approximately 200 additional prospective cases.

67. The following is a summary of the results of the war crimes trials in the Philippines from the first trial through 20 April 1947:

Total number of persons tried- - - - - 213

Total number of persons convicted- - - - - 195

Total number of death sentences- - - - - 92

Total number of persons actually executed- - 46

68. Statistics of war crimes trials completed in Manila during the current period.

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Satoshi OIE	CO, 174th Ind Inf Bn Negros Or.	Col.	19 Dec 46 11 Apr 47	Death by musketry
2. Toshitake KOJYO	CO, Kempei Tai, Cotabato Mindanao	Capt.	5 Mar 47 28 Mar 47	Acquitted
3. Kinsaku KOBAYASHI	Army NCO Kempei Tai	Sgt/Maj	24 Mar 47 27 Mar 47	Death by hanging
Kinjiro FUSEDA	Army NCO Kempei Tai	Sgt.		Life Imprison.
Katsumi IWADA	Army NCO	Sgt.		Life Imprison.
Yasuhisa MIYAGI	Army NCO	Sgt/Maj		Life Imprison.
Haruo OKUZONO	Army NCO	Sgt.		Charges dismissed w/out prejudice by Prosecutor
4. Hisamitsu IMAJURA	Army EM	L/Pvt	20 Mar 47 15 Apr 47	Declared insane dismissed w/out prejudice
Toshiro UCHIDA	Army NCO	Sgt.		10 yrs. Imprison.
Hitsumasa YANO	Army EM	S/Pvt		10 yrs. Imprison.
Sojiro IWAOKU	Army NCO	Sgt.		10 yrs. Imprison.
Tomiji KAMIYAMA	Army EM	Pfc		10 yrs. Imprison.
Kesao MASUDA	Army EM	S/Pvt		10 yrs. Imprison.
5. Hiroshi ISHIGURO	CO, 8th Air Bn	Capt.	14 Mar 47 15 Apr 47	Death by hanging
Hidekitsu TANAKADATE	NCO, Guard CO, 8th Air Bn	Sgt		Acquitted
Katsusaburo KOMATSU	EM, Guard Co. 8th Air Bn	S/Pvt		Acquitted

6. Tonoo SHIRAKURA	Army NCO Kempei Tai	Sgt/Maj 25 Mar 47 11 Apr 47	Death by hanging
Osamu WATANABE	Army NCO Kempei Tai	Sgt.	Death by hanging
7. Chinsaku YUKI	Army NCO Kempei Tai	26 Mar 47 M/Sgt. 12 Apr 47	Life Imprisonment

Trial of Satoshi OIE

69. The accused was charged with command responsibility for several atrocities involving the killing, wounding, and mistreatment of Filipino civilians in Negros Oriental, during the period May 1944 through July 1945.

Satoshi OIE was a Colonel in the Imperial Japanese Army, and was the commanding officer of the 174th Independent Infantry Battalion stationed in Negros Oriental during the period above mentioned. The trial began on 19 December 1946. The Commission sentenced the accused to Death by Musketry on 11 April 1947.

Trial of Toshitake KOJYO

70. Toshitake KOJYO was charged with ordering and participating in the shooting of an unknown Moro boy at Kabacan, on or about 10 May 1944. The trial began 5 March 1947.

He was acquitted on all counts.

Trial of Kinsaku KOBAYASHI et al

71. Kinsaku KOBAYASHI was formerly a Sergeant-Major in the Imperial Japanese Army, Yasuhisa MIYAGI was formerly a Sergeant-Major in the Imperial Japanese Army. Both Kinjiro FUSEDA and Katsumi IMADA and Yasuhisa MIYAGI.

Trial of Hisamitsu IMAMURA et al

72. At the trial Hisamitsu IMAMURA was declared insane by the Medical Board appointed by the Commission. The Prosecutor thereupon dismissed without prejudice the specifications as to him.

The trial began 20 March and on 15 April 1947 the Military Commission found each of the accused "Guilty" and pronounced the following sentences

Toshiro UCHIDA - 10 years imprisonment

Mitsumasa YANO - 10 years imprisonment

Sojiro IWACKU - 10 years imprisonment

Tomiji KAMUYAMA - 10 years imprisonment

Kosao MASUDA - 10 years imprisonment

Trial of Hiroshi ISHIGURO et al

73. The accused, Horshi ISHIGURO, Hidekitsu TANAKADATE and Katsusaburo KOMATSU were charged with violation of the laws and customs of war. In that Hiroshi ISHIGURO and Hidekitsu TANAKADATE did wrongfully and unlawfully permit Japanese soldiers under their command to kill approximately 60 unarmed noncombatant Filipino civilians. The accused Katsusaburo KOMATSU, together with accused Hidekitsu TANAKADATE, was further charged with actually killing some of the aforesaid 60 Filipino civilians.

Hiroshi ISHIGURO, at the time of the Commission of the killings, held the rank of captain and was commanding officer of the 8th Air Battalion. Hidekitsu TANAKADATE and Katsusaburo KOMATSU were, at the time of the commission of the killings, holding the ranks of Sergeant and Superior Private respectively, and they were members of the guard company in Hiroshi ISHIGURO's battalion. The accused Hiroshi ISHIGURO was tried as a war criminal on the basis of command responsibility.

The Prosecution had 10 witnesses who testified in support of the charge and specifications. In addition thereto, Prosecution presented documentary evidence which consisted of written statements by the three accused, and statements of two Prosecution witnesses.

The trial began on 14 March, and on 15 April 1947 the four-man Military Commission reconvened and rendered a decision of guilty against the accused Hiroshi ISHIGURO and thereupon sentenced him to death by hanging. The Commission rendered a decision of not guilty against Hidekitsu TANAKADATE and Katsusaburo KOMATSU and acquitted these two accused.

Trial of Taneo SHIRAKURA et al

74. The accused had the following titles and positions in the

Imperial Japanese Army:

Tenzo SHIRAKURA - Sergeant Major

Osamu WATANABE - Sergeant

Both of them were members of the Kempei Tai of the Imperial Japanese Army, stationed at Iloilo, Panay Island, Philippines. After the arraignment each of the accused pleaded not guilty, and stated that they were ready for trial which followed immediately.

The Prosecution presented three Filipino civilians from Iloilo, Panay Island, Philippines. After the arraignment each of the accused pleaded not guilty, and stated that they were ready for trial which followed immediately.

The Prosecution presented three Filipino civilians from Iloilo, Panay Island as eye-witnesses in making out the prima facie case. These witnesses were able to make positive identifications of both accused.

On the 11th of April 1947 the Military Commission rendered its verdict finding both of the accused guilty of the charge and specification and announced the following sentences:

Tenzo SHIRAKURA - Death by hanging.

Osamu WATANABE - Death by hanging.

Trial of Chinsaku YUKI

75. Chinsaku YUKI was formerly a Master Sergeant in the Imperial Japanese Army. He was a member of the Kempei Tai unit located at Lucena, Ilocos Province (formerly Tayabas Province), Luzon, Philippines.

The accused was charged with torturing several unarmed Filipino civilians, and permitting members of his command to torture and kill several unarmed non-combatant Filipino Civilians.

The trial began on 26 March 1947, on 12 April 1947 the accused was sentenced to life imprisonment at hard labor.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry (TD)
Executive Officer

R7/FE/28/5

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 20

MAY 1947

STATISTICS & REPORTS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 319.1

Monthly Summation No. 20
May 1947

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JAPAN

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LEGAL ACTIVITIES

1. This report on the monthly activities of the Law Division is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported as follows:

Illegal Entry

2. Conference was held with a representative of the G-4 Section regarding "Vessels seized or abandoned in Japanese water after illegal entry". He was advised as to the jurisdiction of the occupation forces over persons entering Japan illegally or vessels which are consequently seized for illegal entry. It was stated that the Japanese have jurisdiction over stateless persons, including Formosans, unless the latter have proved Chinese citizenship, but have no jurisdiction over United Nations Nationals.

Appointment of Chinese Representative

3. The Commanding General, EIGHTH Army was advised of the appointment of a Chinese Representative for duty with occupation courts, and the trial of 89 Chinese Nationals in the Osaka Area.

Repatriated Prisoners

4. Conference held with Prison Affairs Bureau of the Japanese Government on the subject of parole of Japanese convicts who were convicted in Korea and later repatriated to Japanese prisons. The Japanese Government was advised to furnish this section with complete data on all eligible prisoners before the parole procedure will be discussed further.

Eligibility as Dependent

5. Had conference with G-1, Dependent Housing Division, regarding the question of whether or not a ward, who is a minor and a Philippine National could be brought to Japan as a dependent of her guardian, who is a member of the Armed Forces. Advised Dependent Housing that this was really a matter of policy as to whether the ward is a dependent or not, depending upon whether or not she stood in the position of loco parentis; wards usually are in this position, but not always. In this case, the fact that the Filipino girl is 16 years of age might have some bearing. The Army does not specifically provide for this type of case and, therefore, it is decided to hold that the ward is a dependent. It will be the nature of a test case to more clearly define the meaning of the word "dependent" in Army cases.

Wrecked Liberty Ship Still Aground

6. A meeting held with the Transportation Section regarding the salvage of the wrecked Liberty Ship "Fairfield". The vessel was operated by the Japanese under SCAP Directive 547 and the question arose as to whether or not the Army could enter into a contract for the salvage of this vessel. The transportation authorities were advised that such a contract could be undertaken but the facts show that the salvage value of the vessel would not warrant the cost.

Australian National

7. A note was received from the Australian Mission through the Diplomatic Section requesting information about a civil case instituted in the Japanese courts by an Australian National. A report on this case

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furnished by the Japanese Government shows that it was withdrawn from the court in 1943. The Diplomatic Section was advised it will be necessary for this Australian National to institute a new action in order to maintain his case against the Nippon Mining Company. The Legal Section could not give a general opinion as to this case for each one must be decided on its facts and on its status in the Japanese courts.

Marriage

8. Advised an occupation force member that to marry a Japanese National he must make application to his commanding officer and that the present policy is to disapprove requests for marriage between occupation forces personnel and Japanese Nationals.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

JAPAN

9. During the period 25 April - 24 May 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

10. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 April	Cases received 25 April - 24 May	Cases closed 25 April - 24 May	Cases on hand 24 May	Reports submitted 25 April 24 May
POW Camp Conditions	12	0	0	12	18
Fliers	676	3	23	656	71
POW Ships	51	0	0	51	26
Kempei Tai International Police	30	1	0	31	9
POW Atrocities	125	4	2	127	27
Miscellaneous	855	118	56	917	303
Total	1749	126	81	1794	454

APPREHENSION OF SUSPECTED WAR CRIMINALS

11. During the period 25 April - 24 May 1947, eleven memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 80 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (26 Apr 47)	1633	1 Army Officer 1 Enlisted Man
AG 000.5 (30 Apr 47)	1642	1 Army Officer 1 Navy Officer 3 Civilians

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (2 May 47)	1648	1 Army Officer 1 Navy Enlisted Man
AG 000.5 (2 May 47)	1649	21 Army Officers 1 Army Enlisted Man
AG 000.5 (2 May 47)	1650	1 Army Officer
AG 000.5 (9 May 47)	1661	2 Army Officers 1 Army Enlisted Man
AG 000.5 (12 May 47)	1666	1 Army Officer 1 Army Enlisted Man 2 Civilians
AG 000.5 (12 May 47)	1667	16 Army Officers 4 Army Enlisted Men
AG 000.5 (16 May 47)	1685	5 Army Officers 1 Army Enlisted Man 1 Navy Officer
AG 000.5 (16 May 47)	1686	1 Army Officer 6 Army Enlisted Men 2 Civilians
AG 000.5 (20 May 47)	1694	1 Army Officer 1 Army Enlisted Man 1 Navy Officer 1 Civilian

12. In seven memoranda the Japanese Government was notified of the deletion of 13 names of persons ordered apprehended which had appeared on previous memoranda.

AG 000.5 (30 Apr 47)	1640	1 person
AG 000.5 (2 May 47)	1647	1 person
AG 000.5 (14 May 47)	1674	1 person
AG 000.5 (14 May 47)	1675	5 persons
AG 000.5 (16 May 47)	1683	1 person
AG 000.5 (20 May 47)	1691	1 person
AG 000.5 (20 May 47)	1692	3 persons

13. By three memoranda the Japanese Government was notified of the clarification of status of three Japanese whose names had appeared on apprehension memoranda.

AG 000.5 (8 May 47)	1660	1 person
AG 000.5 (14 May 47)	1677	1 person
AG 000.5 (16 May 47)	1684	1 person

14. On requests initiated by this Section, 76 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1025 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

15. During the period of 25 April - 24 May 1947, 21 trials were completed. At the close of this period five trials were in progress. In addition to the cases completed and those in session, 16 new cases were referred to the Commanding General, EIGHTH Army, for reference to a Military Commission for trial. At the present time there are 149 cases in various stages of preparation and two additional prospective cases.

16. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 216 defendants have been tried, 211 found guilty and five not guilty. Twenty-three of the 211 found guilty have been given the death sentence. Five death sentences have been executed and 18 are awaiting approval. The remaining 187 war criminals found guilty were sentenced to terms of imprisonment ranging from one year to life at hard labor.

17. Statistics of War Crimes Trials Completed During the Current Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Yoshichi TAKAGI	Interp.	Civ.	15 Apr. - 23 Apr 47	Death by hanging
2. Tadashi SATO	Camp Comdr.	2nd Lt.	21 Apr - 23 Apr 47	7 years imprison- ment
3. Sadamu TAKEDA	Guard	Civ.	15 Apr. - 24 Apr 47	Death by hanging
Matsukichi MUTA	Guard	Civ.		Death by hanging
4. Bunhachi BANDO	Guard	Civ.	24 Apr - 25 Apr 47	6 years imprison- ment
5. Masao UWAMORI	Camp C.O.	Lt.	14 Apr - 28 Apr 47	3 years imprison- ment
6. Masatoshi SAWAMURA	Senior NCO	Sgt	14 Apr - 29 Apr 47	30 years imprison- ment
7. Hideo YASUTAKE	Sgt/Maj	Sgt/Maj	23 Apr - 29 Apr 47	12 years imprison- ment
8. Momoichi MORIYAMA	Guard	Civ.	29 Apr 47	12 years imprison- ment
9. Yoshio SUDO	Camp C.O.	2nd Lt.	28 Apr - 30 Apr 47	7 years imprison- ment
10. Makato KIMURA	Guard	Civ.	29 Apr - 30 Apr 47	1 year imprison- ment
11. Hiroichi UNO	Paymaster	Sgt	29 Apr - 7 May 47	10 years imprison- ment
12. Tsugio NISHIDA	Supply Off.	Lt.	5 May - 7 May 47	9 years imprison- ment
13. Ryuma HIRANO	Works Off.	1st Lt.	1 May - 9 May 47	7 years imprison- ment

Sadeo SAKANO	Paymaster	Civ		7 years imprisonment
14. Saburo MATSUMURO	Camp C.O.	2nd Lt.	1 May - 9 May 47	22 years imprisonment
15. Tatsuo ANDO	Med. Corps	Pvt.	8 May - 9 May 47	5 years imprisonment
16. Seicki NAGANUMA	Camp C.O.	Capt.	14 Apr - 13 May 47	25 years imprisonment
Nubuo HOLMA	Supply Sgt.	Sgt.		15 years imprisonment
Kiyomi IWABUCHI	Pers. Sgt.	Sgt.		5 years imprisonment
Isami SASHIKI	Qtrmastr.	Civ.		12 years imprisonment
Isami KINTAICHI	Clerk	Civ.		12 years imprisonment
17. Hajime HONDA	Guard	Civ.	12 May - 13 May 47	Death by hanging
18. Shohei IKEDA	Guard	Civ.	12 May - 16 May 47	15 years imprisonment
19. Yoshio NAKANISHI	Camp C.O.	2nd Lt.	12 May - 16 May 47	15 years imprisonment
20. Tarokichi NAKAYAMA	Med. Sgt.	Sgt.	16 May - 16 May 47	4 years imprisonment
Miki TARODACHI	Clerk	Cpl.		1 year imprisonment
21. Masao HACHIYA	Soldier	Pvt.	12 May - 19 May 47	15 months imprisonment
Masakiyo SHINOHARA	Soldier	Pvt.		15 months imprisonment
Mitsuo TAKAGANE	Soldier	Pvt.		15 months imprisonment
Kiyoshi YASUE	Soldier	Pvt.		15 months imprisonment
Hideo YOSHIDA	Soldier	Pvt.		15 months imprisonment
Kensei ITO	Soldier	Pvt.		Acquitted
Hatsuo ISHIMORI	Soldier	Pvt.		2 years imprisonment

Trial of Yoshichi TAKAGI

18. The accused was a civilian interpreter employed at the Tanagawa Branch Prisoner of War Camp, Osaka Area, from December 1942 to March 1945. The accused has a rather sadistic nature. He unmercifully

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beat, mistreated and tortured numerous Prisoners of War. He was charged with contributing to the death of three American Prisoners by beating, torturing and otherwise abusing them.

Trial of Tadashi SATO

19. Tadashi SATO, formerly a First Lieutenant in the Japanese Army, was Camp Commander of Tokyo Area Prisoner of War Camp 9-D-B from 4 June 1945, when the camp was opened, until the closing of same on or about 20 August 1945. The principal charge against the accused was the beating of an American Prisoner of War who received very severe punishment as the result of an altercation between the victim and a Japanese employee at the mine where the Prisoners of War were employed. The accused was charged with having failed to provide sufficient and proper food and clothing, adequate medical care and attention and medical supplies and drugs. The Prosecution claimed there was sufficient evidence to show that a decided scarcity, or total lack of these items existed. It was said that the accused had knowledge of food being taken from the camp by Japanese personnel. It was alleged that because of the accused's lack of control and restraint of those under his command numerous American and Allied Prisoners were beaten.

Trial of Matsukichi MUTA and Sadamu TAKEDA

20. Matsukichi MUTA also known as "The Sailor" and Sadamu TAKEDA also known as the "One Armed Bandit" were both civilian guards at the Fukuoka Prisoner of War Camp #17, Omuta, Fukuoka, Japan. These two guards were charged with numerous beatings and other very severe brutalities. Two prisoners who were subjected to their mistreatment died as a result of the treatment received at the hands of these two accused.

Trial of Bunhachi BANDO

21. Bunhachi BANDO had been discharged from the Army prior to his employment as a Civilian Guard and Assistant Quartermaster at Ichioka Hospital where he was employed from June 1943 to June 1944. Ichioka Prisoner of War Hospital was located in and part of the Osaka Area Prisoner of War system. The accused, alone and with others, beat, kicked and otherwise mistreated a number of Allied and American Prisoners of War. He also stole and misappropriated Red Cross supplies.

Trial of Masao UWAMORI

22. Masao UWAMORI was Camp Commander of the Tokyo 3-D Prisoner of War Camp Kawasaki, Japan. His tour of command was from January 1943 to February 1945. Concurrently, he was in charge of other smaller camps in the same vicinity for varying periods of time. Between January 1943 and May 1945 approximately 25 deaths occurred due to the poor food, lack of medicines and medical care. Among other charges the defendant was accused of failing to control members of his command by permitting them to beat and mistreat numerous prisoners of war. Some of these mistreatments resulted in the deaths of the victims.

Trial of Masatoshi SAWAMURA

23. The accused, Masatoshi SAWAMURA, was formerly a Corporal in the Japanese Army. The accused as Corporal and later a Sergeant took great pleasure in beating, torturing and otherwise abusing Allied Prisoners of War interned at the Taisho Prisoner of War Camp in the Osaka Area. He seemed to find great delight in torturing and beating sick prisoners.

Trial of Hideo YASUTAKE

24. Hideo YASUTAKE was a Sergeant Major at the Fukuoka Prisoner of War Camp Number two from August 1944 until September 1945. It was charged that he personally participated in numerous beatings, often with clubs and rifle butts, and other forms of torture. He placed numerous prisoners in cells without food or water for many days thereby contributing to the death of one American Prisoner of War. He imposed mass punishments on the prisoners and invented all sorts of petty punishments for imaginary offenses against the camp rules.

Trial of Momichi MORIYAMA

25. Momichi MORIYAMA was a civilian employee of the Asano Cement Works, Kamiso, Hokkaido, Japan. While working for the Asano Works he was a foreman of the Prisoner of War working parties which were interned at the Hakodate Camp #1. MORIYAMA is charged with brutally beating and kicking eight British Prisoners of War who were working at the Asano Works. It was charged that he forced one Prisoner to work while being practically without clothing in bitter cold weather and on a starvation diet.

Trial of Yoshio SUDO

26. Yoshio SUDO was Camp Commander of the Tokyo Area Prisoner of War Camp 24-D, also referred to as the Nishin Flour Mill. The charges against the accused were based on command responsibility and not on any acts of brutality committed by the defendant himself. The actual perpetrator of the majority of all beating, in this case was Mamoru SHIOZAWA, a civilian guard employed at the Tokyo Camp. This individual has been tried and is serving a 20 year imprisonment sentence for his crimes. The charges against SUDO, were that he failed to control and restrain persons under his command and control from committing acts of cruelty and atrocities on the Prisoners of War interned under his command.

Trial of Makato KIMURA

27. Makato KIMURA was a civilian guard at the Fukuoka Prisoner of War Camp No. 10, later changed to Camp No. 7, Fukuoka Area, Kyushu, Japan. From February 1944 to September 1945. During this tour of duty the accused was charged with beating and abusing numerous prisoners under his control.

Trial of Hiroichi UNO

28. Hiroichi UNO was formerly a Sergeant in the Japanese Army. He was Commander of the Sakurajima and Notogawa Prisoner of War Camps, Osaka Area, Honshu, Japan. It was charged that during his tour of duty he did willfully and unlawfully disregard and fail to discharge his duty as a Camp Commander by permitting members under his command to misappropriate Red Cross and other supplies intended for the use and benefit of the Prisoners of War. It is charged that he permitted them to commit numerous inhuman beatings and tortures against the interned Prisoners at the Camps. He failed to provide the prisoners with adequate rations, shelter and medical supplies thereby contributing to the sickness and disease of the prisoners.

Trial of Tsugio NISHIDA

29. Tsugio NISHIDA was a Lieutenant in the Japanese Army. He was mess and supply officer at the Omori Prisoner of War Camp, Tokyo Area. The accused was charged with directly participating in the mistreatment, torture and beatings of numerous American, Allied Prisoners of War.

Trial of Ryuma HIRANO and Sadeo SAKANO

30. Ryuma HIRANO was a First Lieutenant in the Japanese Army. He was a Staff Officer at the Hakodate Main Prisoner of War Camp, Hokkaido, Japan, from August 1944 until the end of the war. During this time he was in charge of the camp during the absence of the Camp Commander. At these times he would beat and abuse Allied Prisoners of War, on various occasions he confined prisoners in the guard room without food, clothing or heat for periods of several days. It is said that HIRANO made the statement that if he had it his way he would kill all the prisoners, especially the Americans.

Sadeo SAKANA was a civilian employed as a clerk at the Hakodate Main Prisoner of War Camp from 24 August 1945 until September 1945. He was charged with beating and mistreating Prisoners of War.

Trial of Saburo MATSUMURO

31. Saburo MATSUMURO, ex-Lieutenant in the Japanese Army, was Camp Commander at the Osaka Main Prisoner of War Camp, Osaka, Honshu, Japan, from the spring of 1943 to June 1945. This camp provided labor for the dock and stevedoring companies of the Osaka Port Area. There were about 700 prisoners of war interned at this camp. The accused was charged with ordering, permitting and in two cases participating in atrocities and offenses. He was charged on the basis of command responsibility with permitting the mistreatment of Prisoners of War, when they were physically unfit, with failing to provide the prisoners with necessary medical aid, thereby contributing to their deaths.

Trial of Tatsuo ANDO

32. Tatsuo ANDO was formerly a Lance Corporal in the Japanese Army Medical Corps. He was Senior Medical non-commissioned officer at the Prisoner of War Camp 23, Fukuoka Area. It was charged that during his tour of duty at this camp, from August 1944 until June 1945, he willfully and unlawfully mistreated numerous American Prisoners of War by beating and otherwise abusing them.

Trial of Seioki NAGANUMA et al .

33. Seioki NAGANUMA was a 1st Lieutenant in the Japanese Army. He was Commander for the Ohasi Camp from 1 December 1942 to 19 April 1944. Prisoners of the Ohasi Camp were sent on work details to labor in the iron and coal mines located near the camp. They were made to do heavy manual labor but due to the insufficient diet they were not physically able to perform the work that was required of them. When prisoners reported to sick call they were constantly beaten by camp personnel, in an effort to discourage men from attending sick call. Medical facilities at the Ohasi Camp were said to be non-existent. There were no doctors in attendance at the camp other than the American doctors whose medical advice was completely ignored, and sick calls were conducted by the accused who administered a great amount of brutal punishment to sick prisoners. NAGANUMA was charged with personally administering three specific brutal beatings and it was alleged that he was present during many others. Other charges against NAGANUMA include: Ordering a prisoner to be confined in the guard house in freezing weather without blankets, coal, or shoes, which resulted in the prisoners feet being frostbitten; conversion of Red Cross supplies intended for prisoners to his own use; and failure to restrain and control the personnel of the camp, permitting them to commit cruel and inhuman acts against prisoners.

Nubuo HOTTA was a Sergeant in the Japanese Army and supply

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sergeant and administrative officer of the Ohasi Camp. He was constantly abusing the prisoners. He allegedly slapped them daily and stole their food, misappropriated their funds, forged clothing records and converted Red Cross parcels to his own use. He was charged with two specific beatings.

Kiyomi IWABUCHI was a Sergeant in the Japanese Army and personnel sergeant at the Ohasi Camp. He was ranking non-commissioned officer of the camp. He, as personnel sergeant of the camp, wanted every man in the camp, whether able-bodied or not, to work every day and his method of accomplishing this was by beatings and inflicting as cruel treatment as possible. He apparently gave no thought to the physical condition of the prisoners and made special efforts to harass the officers in the camp. The accused was charged with one specific beating of a Dutch soldier who was suffering from a malignant tumor of the kidney. The soldier later died in Shinagawa Hospital located near Yokohama.

Isamu SASAKI, was a civilian employed by the Japanese Army at the Ohasi Camp. His duty at the camp was the acquisition of food supplies for the prisoner's kitchen. It was alleged that SASAKI was responsible for several severe beatings of prisoners in this camp, using farming implements, rakes and hoes, and in one case a metal shovel.

Isami KINTASHI was also a civilian employed at the Ohasi Camp. He was the supply clerk for the camp. He was alleged to have been an abusive nuisance. He continuously abused prisoners although most of his beatings were confined to vigorous slappings. It is charged that rarely a day went by without one or more slappings being attributed to him. He was charged with three specific beatings.

Trial of Hajime HONDA

34. Hajime HONDA was assigned to the Fukuoka Prisoner of War Camp #1 from May 1943 until September 1945, the accused was charged to have so beaten one American Prisoner of War as to contribute to his death. HONDA at the same time was charged with having beaten two Dutch Prisoners of War and another American Prisoner of War. It was alleged that the accused delighted in beating prisoners with a Bamboo Pole, rifle butt, or anything else within reach.

Trial of Shohei IKEDA

35. Shohei IKEDA was a member of the camp personnel at the Tanagawa and Tsuruga Prisoner of War Camps, both located in the Osaka Area. He was a civilian attached to the Japanese Army and was primarily occupied with guard duty and clerical work. IKEDA, individually and in concert with others, committed many assaults and mistreated numerous American Prisoners of War interned at the above camps.

Trial of Yoshio NAKANISHI

36. Yoshio NAKANISHI was a Second Lieutenant in the Japanese Army and was Camp Commander of Sub-Camp Yokogawa and Sub-Camp Sukurajima, both in the Osaka Area. The charges against the accused were all made on the basis of command responsibility, with the exception of two instances in which the accused personally mistreated Prisoners of War. The accused was charged with permitting Allied Prisoners of War to perform work directly related to the war effort, and that while commanding the Sub-Camp Notogawa he failed to provide sufficient food, clothing, medical treatment to the prisoners of war interned at the camp. He is charged with permitting members of his command to commit numerous inhuman and brutal atrocities against American and Allied Prisoners of War and permitting his subordinates to misappropriate Red Cross supplies belonging to the prisoners.

Trial of Tarokochi NAKAYAMA and Miki TARODACHI

37. Between the period February 1942 and March 1945 Lance Corporal Miki TARODACHI and Medical Sergeant Tarokichi NAKAYAMA, two members of the Prisoner of War Camps in the Osaka Area. NAKAYAMA was in charge of medical administration and TARODACHI was detailed to general administrative work. Both the accused served at the Oeyama and Tanagawa Prisoner of War Camps, Osaka Area. They were both charged with the beating and general mistreatment of numerous American and Allied Prisoners of War interned at these camps.

Trial of Masao HACHIYA et al

38. In this trial of seven accused they were all recruit soldiers, of the Mabuchi Company stationed in the Chiba-ken, Honshu, Japan. They were charged with the decapitation and bayonetting of the body of a Lieutenant, American Air Force, who had crashed with his plane near Chib-ken. When the plane crashed the Lieutenant was still alive but injured. On being taken by the Japanese troops he was decapitated and then his body used for bayonet practice. Lt. MABUCHI, Commander of the troops, gave the orders for the decapitation and use of the deceased body as a bayonet dummy. Lt. MABUCHI was tried and sentenced to death, sentence being executed on 6 September 1946.

PHILIPPINES

39. On 1 May 1947, prosecution of war crimes trials in the Philippine Islands by Legal Section, Manila Branch ceased. The prosecutors who were handling the cases of war crimes committed in the Philippines have been transferred to Tokyo. These prosecutors will continue to prosecute cases of war crimes transferred from the Legal Section, Manila Branch. The trials will be in Yokohama before Commissions appointed by the Commanding General EIGHTH Army. The Manila Branch office will not be closed entirely but in line with assuming its position as a sovereign state the Philippine government has undertaken the prosecution of war crimes cases in which the victims were Nationals of countries other than the United States.

AUSTRALIAN DIVISION

INVESTIGATION

40. During the period of this report 49 interrogations were conducted which resulted in this Division's obtaining a number of sworn statements. Investigations were continued into several cases of Australian personnel, missing or unaccounted for, after capture by the Japanese in the South East Asia Command, including inquiries in New Guinea as to the suspected execution of two Australian Airmen and two American Airmen in 1943; atrocities committed at Milne Bay in August or September in 1942, and the suspected execution of a member of the Royal Australian Air Force. In this same area an investigation was initiated regarding the suspected cannibalism of an Australian Airman in early 1945.

41. Continuing investigations were conducted concerning the massacre of 150 captured Australian troops on New Britain in February 1942 and the suspected execution of an Australian Air Force Catalina Flying Boat crew that same year near Rabaul as well as the execution of three members of a special intelligence party in Borneo in 1944.

42. Initial investigation of various atrocities committed against civilians and others in New Britain, Bougainville and Timor in 1943.

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A confession was obtained from a Japanese Naval Warrant Officer in connection with the beheading of an Australian missionary in the Aroe Islands in 1943.

APPREHENSION

43. During the month, three requests were submitted for the apprehension and internment of persons wanted in connection with alleged war crimes.

PROSECUTION

44. During the period under review, thirty-two affidavits from former Australian Prisoners of War were received making the total received to date 989.

45. One Australian soldier, a former Prisoner of War who is at present serving in Japan, was brought to Tokyo for the purpose of furnishing the Prosecution Division with additional evidence.

46. On 28 April two civilian witnesses were transferred by air to Rabaul in connection with the trial there of senior Japanese officers.

BRITISH DIVISION

INVESTIGATION

47. Interrogations have produced 23 sworn statements during the period under review. The emphasis of investigation has been on Burma, the Burma - Siam Railway and Malaya Cases. 63 interrogations were effected to obtain information which would lead to the location of other wanted war crimes suspects.

APPREHENSION

48. The arrest of a further 42 war crimes suspects has been requested and the total of outstanding arrests is now 374. 38 suspects are in Sugamo prison awaiting transfer to the South East Asia Command and an additional three are in the hospital.

49. Thirty-seven war crimes suspects left Tokyo on 19 May to embark on a transport for transfer to Singapore and Hong Kong for trial. In addition a further 8 were moved to South East Asia by air during the course of the month.

PROSECUTION

50. The trials of 11 cases involving British subjects were completed at Yokohama during the month. This brings the total number of cases tried to 50. Two cases are at present being heard and a further 20 are ready for trial.

51. Forty-eight affidavits have been received from London and Australia in reply to requests made on behalf of various Divisions of Legal Section. Twelve new requests were initiated in connection with cases in Japan. Allowing for cancellations the total number of affidavits requested is now 528.

52. Thirteen lawyers and eight interpreters all Japanese embarked for Singapore on 19 May to assist as defense lawyers at war crimes trials being held in South East Asia.

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CANADIAN DIVISION

53. On 23 May 1947 the Canadian Division closed its offices with the Legal Section and returned to Canada. The Division joined this headquarters on 16 April 1947. During the time of its operation the Division completed 12 cases involving 23 defendants.

CHINESE DIVISION

INVESTIGATION

54. During the period of 24 April - 24 May, 19 interrogations conducted by this Division have produced 11 sworn statements. The emphasis of these investigations has been laid upon the Chu-san Chinese Labor Camp case. The majority of interrogations were to obtain information which would furnish the prosecution with data necessary to complete the preparation of the case for trial.

55. At the request of the Chinese military court at Canton, members of this Division interrogated ex-Japanese Military Police Captain Shigeo Shibata in the middle of May. This interrogation resulted in a sworn statement which led to the discovery of evidence of a murder case in which 60 Chinese civilians, including women and children, were killed by Japanese aboard the S. S. "Hoion" on the night of 25 June 1945 while the ship was on her way from Shekki, Kwantung Province to Macau. This statement has been sent to China for reference.

56. During the month of this report, this Division communicated several agencies in China inquiring for affidavits and statements of certain cases on behalf of various Division of this Section.

APPREHENSION

57. Gunkichi Tanaka, an ex-Japanese Captain, who beheaded several Chinese Prisoners of War in Central China in the war, had been incarcerated in Sugamo Prison and was transferred to Nanking for trial on charges of war crimes.

PROSECUTION

58. The preparatory work for prosecution of the Chu-san camp case has been becoming more effective lately. Thirteen documents totaling 151 pages were sent to ATIS for official translation. Eleven Chinese witnesses, relative to the Chu-san camp case, have been sent back to China after their testimony had been taken.

59. At the close of this report, members of the Division composed of several prosecutors, were enroute to the Chu-san camp, Odate, Akita-ken, Honshu, Japan, to conduct a general survey of that camp and make certain inquiries relating to the Japanese atrocities committed there.

60. An extensive investigation on Japanese atrocities committed in various Chinese Labor Camps on Hokkaido Island will also be made during the same trip.

John R. Ritchard
THEODORE R. C. KING
Major, Infantry (TD)
Executive Officer

R7/ FE/3/10

GENERAL HEADQUARTERS—
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 23

AUGUST 1947

STATISTICS & REPORTS

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 319.1

Monthly Summation No. 23
August 1947

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Part II

Summary of Activities of the
LEGAL SECTION
for the Second Year of the
Occupation of Japan

LEGAL ACTIVITIES

1. This report on the activities of the Law Division from 24 July to 13 August 1947, inclusive, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Stolen Ship

2. A letter addressed to SCAP was received from the New Zealand Provost Detachment, Mizuba, requesting investigation of complaint from the Yanai Chemical Works that one of their ships had been stolen and sold to a Korean. The matter was referred to Legal Section which, in turn, forwarded it to the 24th Corps, Korea, for further report as to the whereabouts of the ship. The 24th Corps replied that the ship could not be located but that the Korean police have been alerted and requested to impound the vessel if found. This information was sent to EIGHTH Army by Legal Section.

Provost Court

3. A radiogram was sent to EIGHTH Army authorizing designation of a BCOF representative as a substitute for a Swedish member on a provost court trial of a Swedish National, because of Swedish foreign policy.

Infringement

4. A representative of Boeki Cho told authorities of the Scientific and Technical and the Foreign Trade Divisions of the Economic and Scientific Section that the Japanese Government would be unable to comply with the certification required by SCAP Directive referring to infringement of patent rights and so forth, in international trade relations. After due consideration of the SCAP Directive by the two divisions mentioned, Legal Section recommended revising said certification to limit liability of the Japanese Government only to infringement of industrial property rights registered in Japan.

Industrial Property Laws

5. A proposed "Amendment to Japanese Industrial Property Law" was submitted to the Government Section, the Civil Property Custodian, and to the Scientific and Technical and the Antitrust and Cartels Divisions of the Economic and Scientific Section for consideration. The amendment was approved by all, with the provision by the Government Section that anti-monopoly restrictions be incorporated into the patent law.

Missing Persons Act

6. PHILRYCOM denied claim of Philippine National for compensation for time spent in the Philippines--between his release by the Japanese from a prisoner of war camp and re-entrance to the United States Forces in the Philippines--asserting that his inability to rejoin the United States Army Forces (of which he was a regular member at time of capture) was due to a serious illness and the war situation. Legal Section advised SCAP, however, that the claimant is entitled to full pay and allowances for this period, and cited the legal authority therefor.

Provost Court

7. Advised EIGHTH Army regarding appointment of Chief, Nagasaki

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Branch, Chinese Mission, for service on provost court, 24th Infantry Division Area, for all pending cases involving Chinese Nationals.

Inheritance

8. Adjutant General requested information from the Civil Property Custodian regarding property inheritance rights. This matter was referred to Legal Section, which advised the Adjutant General that "review of the pertinent Japanese law discloses that there are reciprocal rights between Japan and the United States in that an American citizen may inherit property located in Japan, pursuant to will of a Japanese citizen"--subject, however, to provisions in certain Japanese ordinances and Civil Code.

Chinese

9. The Osaka Military Government was informed through channels that all Chinese Nationals--whether or not in possession of proper registration certificates--are considered United Nations Nationals and are triable only in an occupation court.

Maritime

10. A Japanese vessel was allegedly stolen and taken to Korea, where it was acquired by the military government there. SCAP requested clearance for five Japanese crew members to bring the ship back from Korea but USAMGIK replied that the vessel was essential to the successful operation of the military government in Korea and requested delay in removal of the ship. The SCAP Government Section advised that a requisition of the vessel by USAMGIK would be necessary if the ship were to be kept in Korea. This was not done, however, and the ship was totally wrecked in January 1947. Legal Section has advised G-4 that the military government in Korea should initiate action to requisition the vessel as of the date of its original taking, and that the owner should receive full compensation therefor.

Air Transportation

11. A draft was submitted by G-4 of a proposed radiogram to Washington, and proposed a memorandum to the Chief of Staff regarding incorporation under Japanese law of an American airline company, with the intention of establishing a domestic air service in Japan. Legal Section advised G-4 that licensing of an airline company by SCAP would be preferable to incorporation under Japanese law at this time, as this is the only fair method of handling all United Nations Nationals' applications. It also affords a means of controlling undesirable applications.

Export-Import Revolving Fund

12. Legal Section submitted a check note to the Economic and Scientific Section regarding the "Establishment of Occupied Japan Export-Import Revolving Fund," attaching drafts of proposed circular, memorandum, amendment, and letter to EIGHTH Army describing procedure for setting up and maintaining this fund.

Legal Section rendered an opinion to the Economic and Scientific Section citing sources of authority enabling "a military occupant of enemy territory" to appropriate State funds without compensation, thus making possible the use of Japanese Government-owned gold and silver as a "Revolving Fund". This, in effect, retains the value of such convertible assets while at the same time establishing a credit basis for the purpose of financing short and medium term production programs.

Provost Court

13. Advised the Judge Advocate, EIGHTH Army, that Chief of French Mission's Branch at Kobe was made available for appointment on provost court trial of a French National at Kyoto.

Repatriation of Germans

14. A defense counsel from IMTFE submitted a request to defer the repatriation of several German Nationals who are scheduled to be witnesses at the major war crimes trial, stating that depositions would not be satisfactory for his purposes. Upon consideration of his letter, however, the Legal Section opinion to G-1 states that there appears to be no valid reason for preventing repatriation of the Germans, inasmuch as duly authenticated depositions would serve the same purpose in this case.

CONFERENCES

Purge

15. Conference with a Japanese National regarding the economic purge. Advised him that designation of a company on the purge list does not mean company has to dissolve, but only that certain officials have to be removed from office.

Contracts

16. Conferred with a representative of the United States Commercial Company regarding contracts for sale of various categories of Japanese export commodities. It was agreed that members of the Law Division of Legal Section will be assigned to prepare rough drafts of contracts for sale of textiles, consumer goods, chemicals and food stuffs. Individual assignments will be made within Legal Section, and the people so assigned will meet with an Army official who, in turn, will introduce them to the particular commodity specialists with whom they are to work.

Chemicals

17. Conference with the United States Commercial Company and the Foreign Trades Division of the Economic and Scientific Section and about 50 representatives of the Chemical and Drug Department of Boeki Cho and "Chemical" Kodan on procedure for negotiating contracts with private traders, the world market situation, pricing standards, and so forth, as such matters affect the chemical and drug business.

Tobacco

18. Conference with an official of the Economic Stabilization Board regarding proposed ordinance for rationing tobacco. It was suggested that the provision which allotted different amounts to men and women in Japan violated Article 14 of the new Japanese Constitution.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

19. During the period 25 July-24 August 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

20. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 July	Cases on hand 25 July- 24 August	Cases closed 25 July - 24 August	Cases on hand 24 August	Reports Submitted 25 July - 24 August
POW Camp Conditions	15	0	1	14	12
Fliers	573	6	74	505	208
Ships	55	0	24	31	32
Kempei Tai International Police	31	0	0	31	11
POW Atrocities	137	1	7	131	27
Miscellaneous	1059	24	67	1016	243
Total	1870	31	173	1728	533

APPREHENSION OF SUSPECTED WAR CRIMINALS

21. During the period 25 July to 24 August 1947, ten memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 79 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (22 July 1947)	4196-A	2 Army Officers 2 Army Enlisted Men
AG 000.5 (26 July 1947)	4220-A	3 Army Officers 2 Army Enlisted Men 1 Civilian
AG 000.5 (5 August 1947)	4277-A	4 Navy Officers 10 Navy Enlisted Men 1 Civilian
AG 000.5 (5 August 1947)	4279-A	10 Army Officers 4 Army Enlisted Men
AG 000.5 (5 August 1947)	4280-A	5 Army Officers 3 Army Enlisted Men 1 Navy Enlisted Man 1 Civilian
AG 000.5 (8 August 1947)	4301-A	1 Army Officer 1 Army Enlisted Man 1 Navy Officer 2 Civilians
AG 000.5 (14 August 1947)	4340-A	1 Civilian
AG 000.5 (14 August 1947)	4341-A	3 Army Officers 5 Navy Enlisted Men 1 Civilian

AG 000.5 (14 August 1947)	4343-A	3 Army Officers 2 Army Enlisted Men
AG 000.5 (20 August 1947)	4384-A	4 Army Officers 1 Navy Officer 1 Navy Enlisted Man 11 Civilians

22. In eleven memoranda the Japanese Government was notified of the deletion of 78 names of persons ordered apprehended, which has appeared on previous memoranda.

AG 000.5 (23 July 1947)	4204-A	2 persons
AG 000.5 (26 July 1947)	4217-A	2 persons
AG 000.5 (26 July 1947)	4218-A	15 persons
AG 000.5 (26 July 1947)	4219-A	20 persons
AG 000.5 (29 July 1947)	4246-A	4 persons
AG 000.5 (30 July 1947)	4248-A	3 persons
AG 000.5 (4 August 1947)	4272-A	4 persons
AG 000.5 (6 August 1947)	4284-A	14 persons
AG 000.5 (12 August 1947)	4320-A	1 person
AG 000.5 (12 August 1947)	4321-A	1 person
AG 000.5 (20 August 1947)	4380-A	12 persons

23. By eleven memoranda the Japanese Government was notified of the clarification of status of 96 Japanese whose names had appeared on apprehension memoranda.

AG 000.5 (4 August 1947)	4270-A	1 person
AG 000.5 (4 August 1947)	4271-A	5 persons
AG 000.5 (4 August 1947)	4273-A	3 persons
AG 000.5 (6 August 1947)	4282-A	11 persons
AG 000.5 (6 August 1947)	4283-A	1 person
AG 000.5 (6 August 1947)	4285-A	16 persons
AG 000.5 (8 August 1947)	4299-A	16 persons
AG 000.5 (12 August 1947)	4322-A	9 persons
AG 000.5 (19 August 1947)	4374-A	8 persons
AG 000.5 (19 August 1947)	4375-A	14 persons
AG 000.5 (20 August 1947)	4379-A	12 persons

24. By one memorandum the Japanese Government was notified of the hospital arrest of one person.

AG 000.5 (5 August 1947)

4278-A

1 person

25. On requests initiated by this Section, 48 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1089 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

26. During the period 25 July-24 August 1947, 12 trials were completed. At the close of this period six trials were in progress. In addition to the cases completed and those in session, 15 cases were referred to the Commanding General, EIGHTH Army, which includes new cases, additional charges and specifications and/or revisions, for reference to a Military Commission for trial. At the present time there are 197 perpetrators whose cases are in various stages of preparation.

27. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 323 defendants have been tried, 309 found guilty and 14 found not guilty. Twenty-six of the 309 found guilty have been given the death sentence. Five death sentences have been executed and 21 are awaiting approval. The remaining 283 war criminals found guilty were sentenced to terms of imprisonment ranging from one year to life at hard labor.

28. Statistics of War Crimes Trials Completed During Current Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Akira NOMOTO	Camp Comdr.	Lt.& Capt.	25 June - 24 July 47	2 yrs imprisonment
Geniishi MUNEHIRO	Guard	Civ		3 yrs imprisonment
2. Hiroshi AZUMA	Camp Comdr.	Lt.	21 July - 31 July 47	7 yrs imprisonment
Hiromitsu SAITO		Civ		5 yrs imprisonment
Heitaro FUKIJIMA	Guard	Civ		7 yrs imprisonment
Kiyoji ISHIBE	Guard	Civ		2 yrs imprisonment
Tokio MINAGAWA	Guard	Civ		1 yr 6 mos imp.
Noburo ICHIYANAGI	Guard	Civ		5 yrs imprisonment
Hisao KANEYAMA	Guard	Civ		14 yrs imprisonment
3. Mitsuzo INAGAKI	Camp Comdr.	WO	28 July - 1 Aug 47	30 yrs imprisonment
4. Masaji TAKAKU	Guard	S1/c	1 Aug - 4 Aug 47	10 yrs imprisonment
5. Tomikuni WATANABE	Guard	S1/c	5 Aug - 5 Aug 47	5 yrs imprisonment

6. Shigeru NUMAJIRI	Camp Comdr	1st Lt	10 July - 7 Aug 47	18 yrs imprisonment
Imajira KIRA	Guard	Civ		15 yrs imprisonment
Shigeo EIZUMI	Guard	Civ		5 yrs imprisonment
Takashi NEISHI	Guard	Civ		5 yrs imprisonment
Takayoshi SHINKAE	Work Ldr			3 yrs imprisonment
Minoru KURAKAWA	Guard	Civ		Acquitted
Shozo TAKAHASHI	Guard	Civ		Acquitted
Sanzo TANNO	Med.Ord			Acquitted
7. Masami KANNO	Guard	Civ	31 July - 8 Aug 47	7 yrs imprisonment
Takeo WATANABE	Guard	Civ		11 yrs imprisonment
8. Toshihisa YAMAMOTO	Guard	Civ	7 Aug - 8 Aug 47	3 yrs imprisonment
9. Shinichi TANAKA	Med.Ord	Civ	1 Aug - 12 Aug 47	1 yr 6 mos imp.
10. Shigekazu KIYA	Med.Sgt	M/Sgt	4 Aug - 12 Aug 47	2 yrs imprisonment
11. Hashiyuki YAMAZAKI	2nd Comd.	Sgt	25 July - 15 Aug 47	30 yrs imprisonment
Yoshio HORI	Guard	Civ		25 yrs imprisonment
Shigeji SHIMIZU	Guard	Civ		25 yrs imprisonment
Ryotatsu KAMIYASUMIBA	Guard	Civ		20 yrs imprisonment
Tokizo TANAKA	Foreman	Civ		Acquitted
12. Akiyoshi KOGA	Guard	Civ	29 July - 15 Aug 47	25 yrs imprisonment
Fukuma YAMAGUCHI	Guard	Civ		25 yrs imprisonment
Sakujiro ARAMAKI	Guard	Civ		20 yrs imprisonment
Nobuyasu SUGIYAMA	Guard	Civ		20 yrs imprisonment
Takenosuke FUJISAKI	Guard	Civ		20 yrs imprisonment
Tomoe NISHIMURA	Guard	Civ		15 yrs imprisonment
Toraichi TAKASHITA	Guard	Civ		15 yrs imprisonment

Trial of Akira NOMOTO and Genfshi MUNEHIRO

29. Akira NOMOTO, former 1st Lieutenant in the Japanese Army was Camp Commander of the Innoshima Prisoner of War Camp from 1 February 1943 to 24 September 1945. He was charged with failing to discharge his duties as Camp Commander by permitting his subordinates to beat and mistreat the prisoners.

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Geniishi MUNEHIRO served as a civilian guard from 24 November 1942 to 19 July 1945, employed by the Japanese Army at the 5th Branch Camp, also known as Innoshima Prisoner of War Camp, Hiroshima Area, Honshu, Japan. He was charged with beating and kicking and otherwise mistreating British Prisoners of War by forcing them to kneel on the ground for long periods of time.

Trial of Hiroshi AZUMA, et al

30. Hiroshi AZUMA, former Lieutenant in the Japanese Army was Camp Commander of Prisoner of War Camp 16-D, Kanose, Niigata, Japan from April 1944 until August 1945. He was charged with command responsibility for numerous severe beatings and abuses that were administered to prisoners by non-commissioned officers and civilian factory guards under his control. He personally beat and mistreated numerous American and Allied Prisoners of War.

Hisao KANEYAMA, former guard at the Kanose Carbon and Carbide Company where the prisoners were compelled to work, was known as one of the worst guards at the camp. He was charged with beating, torturing, sometimes striking, kicking and stomping the victims into a semi-conscious state. He was charged with clubbing two prisoners after they were found playing cards in the barracks. They were forced to stand on a cold night all night at attention holding large cakes of ice in their bare hands until the ice melted.

Noburo ICHIYANAGI was employed by the Japanese Army as a medical orderly and guard at Camp 16-D. His nickname among the prisoners was "The Spy." He was charged with severely beating and abusing American and Allied prisoners.

Tokio MINAGAWA and Kiyoji ISHIBE, civilian guards, were each accused of beating and mistreating a British prisoner.

Hiromitsu SAITO was charged with consistently beating numerous prisoners.

Heitaro FUKIJIMA served as interpreter at Camp 16-D. He was charged with consistently beating American prisoners with wooden shoes, clubs and other instruments.

Trial of Mitsuzo INAGAKI

31. Mitsuzo INAGAKI, former warrant officer in the Japanese Army, was stationed at various times at the following prisoner of war camps: Headquarters Camp, Tsumori Camp, Amagasaki from 1 November 1944 to 15 May 1945 and Takefu Camp from 16 May 1945 to 1 September 1945. He was charged with forcing prisoners to work long hours without proper rest and nourishment and permitting the guards under his command to constantly abuse and beat them. He was charged with the death of a British prisoner by neglecting to provide him with adequate food and otherwise abusing him.

Trial of Masaji TAKAKU

32. Masaji TAKAKU, former member of the Japanese Navy, was stationed at the Ofuna Prisoner of War Camp or Interrogation Center near Yokohama, Japan from 1 January 1945 to September 1945. He was charged with brutally beating and tormenting numerous American and Allied Prisoners of War. He was charged with beating and kicking an American POW into unconsciousness while he was being held in solitary confinement.

Trial of Tomikuni WATANABE

33. Tomikuni WATANABE, former member of the Japanese Navy, was stationed at the Ofuna Prisoner of War Camp from March 1945 to August 1945.

He was charged with beating and mistreating numerous American and Allied Prisoners of War and on one occasion clubbing a sick American prisoner breaking a bad cyst that the victim had on his back.

Trial of Shigeru NUMAJIRI, et al

34. Shigeru NUMAJIRI, former First Lieutenant in the Japanese Army, was the Commander of Tokyo Area Prisoner of War Camp 9-B from November 1943 to September 1945. It was charged that beatings, abuse and neglect of the prisoners' needs was a daily occurrence at this camp. He was charged with participation in the beating and the torture of one American who was suspended from the ground by ropes tied to his feet and handcuffed wrists for long periods of time.

Shigeo EIZUMI, civilian guard at Camp 9-B, was charged with beating and abusing prisoners and of stealing food and clothing from them.

Imajira KIRA, a civilian guard, was charged with brutally beating prisoners into unconsciousness.

Takashi NEISHI was charged with torturing an American Prisoner of War.

Takayoshi SHINKAE, an employee of the Furukawa Copper Mines, was charged with participating in mistreatment of a sick American Prisoner working in the mines.

Trial of Takeo WATANABE and Masami KANNO

35. Takeo WATANABE was a civilian guard employed by the Shibaura Electric Company, a Japanese concern where American and Allied Prisoners of War held at Tokyo Area Camp 11-D between December 1943 and August 1945, were forced to work. Prisoners were forced to work when they were so ill with beri-beri and dysentery that they could not walk unless they were assisted. On one occasion he kicked and beat a British prisoner into unconsciousness with a club and then threw the prisoner into a vat of icy water and held him under until he almost drowned.

Masami KANNO was a civilian guard at this camp. He was charged with beating and kicking prisoners until they were unconscious.

Trial of Toshihisa YAMAMOTO

36. Toshihisa YAMAMOTO was a civilian guard at the Motoyama Branch of the Hiroshima Prisoner of War Camp, Honshu, Japan from July 1944 until September 1945. He was charged with beating and abusing Allied Prisoners of War, and would beat and kick a prisoner for the slightest provocation.

Trial of Shinichi TANAKA

37. Shinichi TANAKA, civilian medical orderly, was in charge of medical records and supplies at the Umeda Bunsho Prisoner of War Camp, Osaka Area, Honshu, Japan, from January 1944 to May 1945. He was charged with mistreating, slapping and kicking numerous American Prisoners of War. It was said that his brutal and barbaric methods of treating prisoners were outstanding and that he did not hesitate to abuse the sick.

Trial of Shigekazu KIYA

38. Shigekazu KIYA, medical sergeant in the Japanese Army, was stationed at a number of camps in the Osaka and Nagoya Areas from May 1943 until August 1945. He was charged with beating, kicking and otherwise abusing sick prisoners of war. He forced dangerously ill men to do heavy labor and refused to furnish medical care or attention.

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Trial of Hashiyuki YAMAZAKI, et al

39. Hashiyuki YAMAZAKI, former sergeant, was second in command at the Funatsu Camp and exercised command authority during the absence of the Camp Commandant. He was connected with the brutal beating and subsequent death of an American Private who attempted to escape and was later recaptured. Upon recapture the prisoner was brought to the office and was beaten over the head with an iron pipe, and then thrown into the guardhouse for about ten days. When the man finally succumbed and his body was carried from the guardhouse, it showed signs of starvation and severe beatings.

Yoshio HORI, a civilian guard at the camp, was charged with forcing prisoners to kneel on ladder rungs and then he jumped on their legs and further tortured them by placing hot coals on their abdomen. He mistreated and abused six American Prisoners of War as well as contributing to the death of another American soldier.

Shigeji SHIMIZU was accused of several beatings among one of which contributed to the death of an American Private.

Ryotatsu KAMIYASUMIBA, a civilian guard, was charged with beating one prisoner about the head in such a severe manner that a hole now exists through his lower lip. He was also charged with contributing to the death of an American Prisoner of War.

Trial of Akiyoshi KOGA, et al

40. Akiyoshi KOGA was charged with abusing and beating American Prisoners of War. He beat one American about the face with a stick because he was not working. This particular beating lasted about five minutes.

Sakujiro ARAMAKI, a civilian guard in Hiroshima Camp from September 1944 to September 1945, participated in an infamous affair known as the "string incident" on which occasion a large number of prisoners were severely beaten by five of the civilian guards because three strings from cement sacks were missing. He used a club in his beatings during this incident.

Nobuyasu SUGIYAMA, another civilian guard, was charged with beating and abusing prisoners. On one occasion he knocked down an American Prisoner of War and then kicked him many times when he was down. The prisoner was unable to walk and was sick in bed for a week after the beating, during which time he had to be forced to eat by fellow prisoners.

Fukuma YAMAGUCHI was superintendent of the civilian guards at the Hiroshima Camp. He was accused of beating and abusing four American Prisoners of War. He is stronger than the average Japanese man and when he struck a prisoner the effect was usually serious.

Takenosuke FUJISAKI was connected with the string incident. He also struck a prisoner over the head with a club for whistling.

Tomoe NISHIMURA, a civilian guard, was guilty of beating and abusing eight American Prisoners of War, as well as other prisoners, and could not stand to see a man beaten without assisting.

Toraichi TAKASHITA, a civilian guard, who also took part in the "string incident." On one occasion he kicked and beat an American Prisoner of War with a stick because he wasn't working fast enough.

AUSTRALIAN DIVISION

Investigation

7

41. During the period of this report 75 interrogations were conducted, which resulted in 38 sworn statements. Investigations were conducted to determine the fate of two Australian soldiers who were confined in the Navy Gaol at Soerabaja, Java, and to establish the identity of two airmen who were forced down on Tanimbar Island. Efforts are also being made to determine the details in connection with the murder of seven Australian soldiers and an Australian airman in the Ambon area, and the execution of 40 civilians in New Britain between 1942 and 1945. Progress is also being made in the investigation of war crimes committed on Hainan Island.

42. Investigation of the execution of Australian and American airmen in New Guinea resulted in the obtaining of a sworn statement from a former lieutenant colonel and chief of staff in which he confessed to ordering the Kempei Tai to execute two Allied airmen at Ambon, New Guinea in April 1944. The name of the executioner is also known.

43. Investigation was undertaken of atrocities committed on Bougainville Island, which included the execution of American airmen, missionaries, and a native police boy. Instances of cannibalism are also being investigated. A sworn statement was taken from a former Japanese medical officer who was an eye-witness to the execution of one of the American airmen, and the name of the executioner was obtained.

44. The ill-treatment of 12 Australian airmen on Soemba Island in 1945 was investigated. An ex-colonel, former commander of Soemba Island troops, and an ex-captain, former battalion commander, have been arrested and are at present in Sugamo Prison.

45. During the course of investigation of war crimes committed on Nauru and Timor islands, a sworn statement was taken from a former naval lieutenant which uncovered a conspiracy on the part of a number of Japanese naval officers and petty officers to give false testimony at a war crimes trial held at Rabaul, New Britain last year. They attempted to place the blame for the execution of a Chinese on a Japanese soldier known to have died. As a result of this false testimony, the Japanese officer who was accused of the crime received a verdict of not guilty. At present, however, ample sworn evidence against this Japanese officer has been accumulated.

Apprehension

46. Six requests for the apprehension of suspected war criminals were submitted during the period under review.

Prosecution

47. Charges and specifications against seven Japanese accused of the ill-treatment and starvation of Australian and Allied Prisoners of War at Tokyo 4-B Naoetsu POW Camp are almost complete and, it is anticipated, will be filed in the near future. During the winter of 1943, 60 Australian Prisoners of War perished at this camp. An Australian Army officer, a former POW in this camp, was brought from Australia to Japan during the current period for the purpose of giving evidence at the trial.

48. Charges and specifications against a number of Japanese accused of ill-treatment of Australian Prisoners of War at Fukuoka POW Camp No.22 are also in the course of preparation.

49. An additional 104 affidavits from Australians were received during the current period, making a total of 1381 affidavits received by the Division to date.

BRITISH DIVISION

Investigation

50. Fifty-five interrogations during the current period produced a total of 21 sworn statements. Activity has centered mainly around investigation of the massacre of 15,000 Chinese in Johore State, Malaya, in 1942 by troops of General Yamashita's 25th Army. This slaughter was supplementary to that of 5,000 Chinese in Singapore by 25th Army units in March 1942 as part of Yamashita's effort to rid Malaya of "revolutionary elements" prior to the Japanese advance into Burma.

Apprehension

51. The arrest of eight suspects was requested during the period. Unsettled political conditions in various areas of South East Asia have made impracticable further preparation of several cases, with the result that a number of suspects previously requested have been deleted from SCAP memoranda. There are now 142 arrests outstanding, and 34 suspects are in Sugamo Prison awaiting transfer to Hongkong and Singapore.

Prosecution

52. Eight trials involving 36 accused and 36 British victims were completed during the period. Convictions were secured against 28 Japanese. British interest cases tried so far number 77, five cases are now being heard, and an additional 16 are listed for trial.

53. Seventeen affidavits were received from Judge Advocate, London and 15 were requested on behalf of Prosecution Division, bring the total requested from London up to 551.

54. Six English witnesses, former prisoners of war, are now in Tokyo to testify at the Yokohama trials.

CHINESE DIVISION

Investigation

55. Twenty-two interrogations conducted during the current period netted a total of 10 sworn statements. A request was submitted to the Investigation Division of the Section for all available information concerning former Chinese prisoners of war and civilian internees in Japan proper. Information was furnished to the Investigation Division of the Section in connection with five crashed B-29 cases, and Chinese authorities in Formosa were contacted in an attempt to locate a Japanese national wanted as a witness.

56. Investigation of atrocities committed by the Japanese police at Osaka against eleven Chinese nationals has been continuing successfully. More valuable evidence was obtained and available Japanese live witnesses were found.

Apprehension

57. During the period, the apprehension and incarceration of three Japanese war crimes suspects was completed. Ex-major Yoshio KONDO was listed as wanted by Chinese authorities two years ago for his war crimes committed in China. He will be tried by a Chinese Military Court at Shanghai. Taichiro MIURA was wanted for prisoner of war camp atrocities in Northern Honshu. Saburo SHIBATA will be charged with command responsibility for ill-treatment of prisoners of war at the Chusan Camp.

7

Prosecution

58. During the current period the Division has concentrated on the preparation of the Chusan Chinese POW Camp case in which eight accused war criminals are involved. At this camp 401 out of 981 Chinese Prisoners of War died of maltreatment. Saburo SHIBATA, who was chief of the Labor Section at Hanaoka Branch Office of the Kajima Gumi Co., will be charged for his command responsibility for the Chusan Camp. An American investigator who has direct knowledge of the atrocities at the Chusan Camp, has come to Tokyo to assist in preparation of the case. The Division has also requested that two American witnesses, both of them among the original investigators of the Chusan Camp atrocities, be brought from the United States to Tokyo to give evidence.

59. Charges and specifications are being prepared against Taichiro MIURA, former police chief in Odate-machi, Akita-ken, North Honshu, Japan. MIURA allegedly forced 760 Chinese prisoners of war to kneel down on the ground for three days under the hot sun without giving them any food. Many of the Chinese died from lack of food and from the beatings that were administered.

60. The Division has conferred with members of the Australian Division of the Section concerning the prosecution of a number of Japanese war crimes suspects who allegedly murdered Allied Prisoners of War and civilian internees on Hainan Island, South China.

7

Part II

Summary of Activities of the
LEGAL SECTION
for the Second Year of the
Occupation of Japan

1

LEGAL SECTION

The following summary is a very brief history of the activities covered by the Legal Section during the second year of the occupation of Japan.

The prosecuting of Class B and C war criminals is the main function of the Legal Section.

On 1 May 1947 the Manila Branch was closed, transferred to and joined forces with the Tokyo office and the combined strength is now actively engaged in the common function. However, a small liaison group is maintained in Manila which is closing out the unfinished cases and, also, acts in an advisory capacity to the Philippine Government which is now trying Japanese suspected war criminals who tortured and killed Filipino Nationals.

The setup of a number of the divisions in Legal Section was outlined in the Summary for the First Year of the Occupation of Japan. There follows a condensed picture of the work of the various main divisions during the second year of the occupation of Japan.

Law Division

Some of the opinions rendered by the Law Division during the above period were that:

There is no legal basis for setting claims of Japanese Nationals for damage caused by Allied Military Personnel but the Japanese Government could, if it desired, settle such claims on its own responsibility.

Under international law, the defense of a "superior order" is not an inherent defense of an accused war criminal, and that a field commander may provide either that an accused may be accorded the defense of "superior orders", or that "superior orders" may be considered in mitigation of punishment - or both.

Pursuant to directive issued to the Japanese Government, all Formosans properly registered by the Chinese Mission in Japan are to be considered as Chinese nationals for purposes of exercise of criminal jurisdiction by both the Occupation Forces and the Japanese authorities.

Ordinarily, in a Japanese civil court decision, questions of law and fact decided by Japanese courts, contrary to the interest of a United Nations national, do not constitute cause for review, unless such decision is arbitrary and discriminatory.

A Japanese vessel acquired by the Military Government in Korea must be procured on a requisition basis in order to be legal.

The Japanese expropriation land laws are not considered applicable to American land owners whose titles were matters of record prior to enactment of such laws, unless measures for compensation are adopted which will be prompt, adequate and effective - and that payment in yen was not considered as such.

On 27 June 1947 the Japanese Government assumed concurrent jurisdiction over cases involving offenses against property of the Occupation Forces and personnel. This was a significant step as far as Japanese criminal jurisdiction is concerned in that, hitherto, such offenses were within the exclusive jurisdiction of the Military Occupation Courts. It is believed that such action will relieve a burden of the Military Occupation Courts as well as further restrict black market activities by utilizing Japanese law enforcement agencies to supplement the efforts of the occupation forces.

Investigation Division

During the second year of operation the Investigation Division had under investigation a large number of cases which may be classified as follows:

<u>Type of Case</u>	<u>Cases completed 1946 - 47</u>	<u>New Cases opened 1946 - 47</u>	<u>Cumulative Total Cases opened</u>
POW Camp Reports (Surveys of Camps necessary prior to investigation of individual atrocities)	10	23	142
Flier Cases (Plane crashes which must be investigated prior to establishing identity of unknown airmen murdered by Japanese Home Army Units)	199	620	732
Ship Cases (Prison Ships and atrocities at sea)	11	21	69
Kempei Tai and International Police Cases	7	15	56
POW Atrocities Cases	25	101	202
Miscellaneous	338	1249	1464
TOTAL	590*	2029	2665

*The total number of cases closed during period 1945-47 is 1020. Many cases, which were closed in 1945 have been reopened and re-investigated.

A change in the mission of the Investigation Division became necessary due to requests for special investigations by various offices in the War Department, Washington, as well as offices of the Far East Command. These investigations included searches for information other than War Crimes and were handled in conjunction with other investigations.

The stabilization of Units, which are to continue in the Occupation Forces in Japan, has enabled liaison to be set up, permitting close coordination and a speedy exchange of information and has reduced the amount of work duplicated by Allied agencies to a minimum. Initial and basic investigations, which were of a general nature, have been completed and will be used in the future as a basis for detailed investigations of individual Army or Navy Commands which executed the majority of the major crimes in Japan.

Numerous cases previously closed have been reopened for additional investigation upon request from the Prosecution Division or the Zone of the Interior.

In the future, investigations will proceed as in the past but will be primarily directed into the completion of cases for prosecution before Military Commissions and to the completion of the investigation of aircraft crashes in Japan and atrocities committed against the airmen involved.

Criminal Registry Division

To facilitate the war crimes program in areas outside Japan the Japanese Government has secured competent Japanese lawyers and interpreters, under contract, for movement to various areas in the Pacific where war crimes trials are being held. Some of the lawyers and interpreters have been provided upon the request of the Allied government concerned and some have been provided after the Japanese Government initiated the request.

To date, at the request of British authorities 45 Japanese lawyers and 47 interpreters have been contracted and dispatched to British areas including Singapore and Hong Kong. Of this number 14 lawyers and 11 interpreters have completed their contract and have been returned to Japan. The section is presently in the process of recruiting more lawyers and interpreters to replace those that have returned.

Twelve lawyers and 13 interpreters have been sent to the Netherlands East Indies at the request of Dutch authorities. Of this number one lawyer has

been returned to Japan.

Nine lawyers and 10 interpreters have been sent to Manila to assist in launching the Philippine Republic successfully upon its war crimes program. One additional lawyer is being recruited to bring the total to 10.

Four lawyers and three interpreters have been sent to Guam for the purpose of defending Japanese war crimes suspects being tried by United States Naval authorities.

To assist those war crimes suspects being tried by Australian authorities, four lawyers and three interpreters have been dispatched to Rabaul. In addition four translators, three typists, one administrative clerk and two administrative chiefs have been recruited.

To provide spiritual guidance to suspects in the Singapore area, two Buddhist priests have been dispatched.

Prosecution Division

The Prosecution Division is charged with the responsibility of preparing charges and specifications and trying Class B and Class C Japanese war criminals. A large portion of the cases involve atrocities committed in Prisoner of War Camps scattered throughout Japan.

Progress for this division during the second year of the Occupation is outlined below:

Number of accused tried	221
Number convicted	215
Number acquitted	6

Sentences

Death	20
Life Imprisonment	13
Imprisonment 26 - 50 years	25
Imprisonment 11 - 25 years	66
Imprisonment 6 - 10 years	30
Imprisonment five years or less	61

There are presently 448 war criminal suspects interned in Sugamo Prison awaiting trial.

Australian Division

During the second year of the occupation this Division conducted 508 interrogations of Japanese, and obtained 230 sworn statements.

A total of 820 affidavits from Australians were received and were placed at the disposal of the Prosecution Division, making a total of 1381 affidavits available for use by the various Divisions of this Section.

Requests were submitted for the apprehension of 53 suspected war criminals, four of which have not yet been apprehended.

Twelve Australians, former prisoners of war, were brought to Tokyo for the purpose of supplying additional evidence to the prosecution, and to testify at the War Crimes Trials in Yokohama.

Seventeen Japanese civilians were transferred to Rabaul, New Britain, for the purpose of assisting in the defense of suspected war criminals being tried in that area.

Two trials involving a total of eight suspects were completed by prosecutors of this Division. During this period, 33 trials involving 56 accused, and concerning offenses against Australian and Allied Prisoners of War were tried by United States prosecutors, to whom this Division made available such affidavits as were required.

British Division

Since its activation, the major portion of which took place during the second year of the occupation, the British Division has performed three principal functions. First, as representative of GHQ South East Asia Land Forces Singapore, it has, through SCAP, located and interrogated nearly 1000 Japanese suspected of war crimes and apprehended and transferred nearly 300 of these suspects for trial in various countries.

Secondly, it has provided liaison on war crimes matters between the Judge Advocate in London; GHQ India Command, New Delhi; Dutch Military Forces, Batavia; French Indo China, Hong Kong, Shanghai and Formosa, the International Prosecution Section in Tokyo, as well as various Divisions of Legal Section, GHQ, SCAP, and British Commonwealth Occupation Forces. In this connection, application has been made, on behalf of Legal Section in Tokyo for 575 British affidavits and nearly 400 of this total have been received. Four English officers were brought to Tokyo to testify before the International Military Tribunal in the Prisoner of War phase.

Finally, the British Division has represented British interests at EIGHTH Army War Crimes trials in Yokohama and has secured its own prosecutors. During the year, 77 British interest cases were tried at Yokohama. Ten former prisoners of war in Japanese Camps were flown from England and Hong Kong to Tokyo to testify at these trials.

Canadian Division

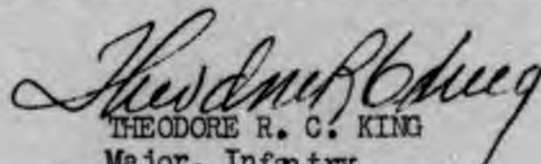
Canadian interests were represented four months previous to the beginning of the second year of the occupation until May 1947 by a group of three Canadian prosecutors who prepared and prosecuted a number of war crimes cases of predominantly Canadian interest before Military Commissions in Yokohama. The principal cases they were associated with have been completed and they have returned to Canada.

Chinese Division

During the second year of the occupation investigations were conducted as follows: War crimes committed by Japanese towards Chinese in Japan proper, as well as in China; suspected war criminals who tried to hide themselves in Japan by changing their names and addresses; atrocities committed towards Allied personnel and prisoners of war in Formosa, China and Hainan Island; and a large number of Japanese were interviewed in order to obtain certain sworn statements which will be used in War Crimes Trials in China or Japan.

The Chinese Mission in Japan requested that 65 Japanese suspected war criminals be apprehended and incarcerated in Sugamo Prison. Action has been taken on such request. To date nine such suspects have been transferred to China for trial.

Nine other suspected war criminals are now being held at Sugamo Prison. As the various cases develop, some of this group of suspects will be transferred to China to appear before Commissions there.


THEODORE R. C. KING
Major, Infantry
Acting Chief

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Telegram: "JUDVOCATE, LONDON."
Telephone: WHITEHALL 7936 (two lines).

Any further communication on the subject of this letter should be addressed to:-

THE JUDGE ADVOCATE GENERAL,
SPRING GARDENS,
COCKSPUR STREET,
LONDON S W 1.

and the following number quoted:-



Ry/Br/14/11. 348 ✓
SPRING GARDENS.

COCKSPUR STREET,

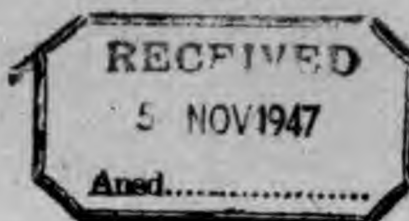
LONDON, S.W.1.

3 November 1947



MD/JAG/PS/3/27
CONFIDENTIAL

United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.



Subject: GHQ SCAP (Legal Section) Monthly Report - War Crimes

1. Enclosed herewith for information, copy of GHQ SCAP Monthly Summation No. 24 of September 1947.
2. This office has been requested to ensure that the information given in this report is NOT published in the press.
3. Please return this report at your convenience.

To:

Col Wade HQ
Dr Zinnov

[Please return to]
Miss Kiddy.]
/JWG

Barnes
Lieutenant-colonel,
for Military Deputy,
J.A.G.

7

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION No. 24
SEPTEMBER 1947

STATISTICS & REPORTS

1

2

7.

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 319.1

Monthly Summation No. 24
September 1947

C O N T E N T S

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LEGAL ACTIVITIES

1. The report on the activities of the Law Division from 14 August to 17 September 1947, inclusive, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Absence and Travel Authority

2. Legal Section submitted opinion to Economic and Scientific Section on provisions of 8th Army Circular 116 re delegation of authority to permit SCAP personnel "Off-Limits" privileges. Legal Section interprets this Circular as giving complete authority to SCAP Section Chiefs to allow "over-night" stops in homes of Japanese nationals on specified dates.

Inheritance of Japanese Real Estate

3. Legal Section submitted letter to Yokohama Division of Diplomatic Section for dispatch to United States citizen in Osaka, with reference to rights accruing to inheritance of real property in Japan. Advised that such acquisition of title by inheritance would be subject to provisions of Japanese inheritance laws, but reviewable by GHQ, SCAP, if any discriminatory action is taken against United Nations nationals.

Membership Dues

4. Legal Section rendered opinion to Civil Communications Section advising that membership dues owed by the Japanese Government to the International Telecommunications Union could not be paid at this time because: (a) Japan has no foreign exchange assets available at present, and (b) policy for settlement of such obligations incurred by the Japanese Government has not been formulated.

Claim of German Officer

5. Repatriated German naval captain, who had resided in Hakone after Germany's surrender, by order of the Japanese Government, but who was not a prisoner of war, presented letter to American authorities requesting pay as a "prisoner of war." Legal Section submitted opinion to G-1, as well as draft of proposed reply to FM General, stating that this man is not entitled to compensation, per opinion rendered by JAG in 1918.

Occupation Courts

6. Statistics: Legal Section compiled statistics on number and types of cases handled in the Provost Courts in the various areas of Japan occupied by tactical forces, including ECOM, covering the periods 20 May to 20 June 1947 and 20 June to 20 July. The reports containing this information were forwarded to SCAP by Eighth Army.

Loan to British Film Corporation

7. The Finance Division of the Economic and Scientific Section in response to request from United Kingdom Liaison Mission, Legal Section advised that there is no objection to granting authority to British Commonwealth Film Corporation to borrow one million yen for initial business expenses. Inasmuch as the yen receipts may be used in repayment of the loan, and inasmuch as similar financing arrangements must soon be made for other foreign organizations to do business in Japan, it would seem unreasonable to require conversion of hard currency for such ventures.

Interim Import-Export Policy

8. Oral request was made from the Economic and Scientific Section for the Legal Section to examine the directive prepared by the State Department to implement policy adopted by FEC for guidance of SCAP in the conduct of foreign trade. The various sections and paragraphs were commented upon.

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The Legal Section opinion was that SCAP has complied with the terms of the directive and that the directive was not intended to prevent resumption of private trade at this time. The interim controls provided for were intended as policy for guidance of SCAP prior to resumption of private trade, and provisions dealing with the Revolving Fund and types of exports and imports should be complied with after the resumption of private trade, unless policy is revised.

Insurance

9. Civil Property Custodian submitted proposed radio to Washington which requests policy decision as to SCAP's providing insurance to cover certain property, now in the custody of Eighth Army, and suggested using a fund in the SCAP dollar custody account for payment of premiums. Legal Section advised that the Japanese should assume responsibility for preserving and protecting this property as there is "no obligation or duty on a belligerent occupant to act as insurer of movable property in his custody."

Citizenship Status

10. G-1 requested information as to the status of citizenship, according to Japanese law, of Korean men married to Japanese women and of non-Japanese women married to Japanese men. The Japanese Government desires to admit such non-Japanese spouses for "humanitarian reasons". Under Japanese law, a non-Japanese woman acquires Japanese citizenship upon marriage to a Japanese citizen but a non-Japanese man does not acquire Japanese citizenship upon marriage to a Japanese woman.

Property of Suspected War Criminal

11. A Japanese National, stating that he is a "proxy" for a suspected war criminal requested release of the latter's property for the purpose of selling it. Legal Section suggested that a specific written authorization be obtained from a suspected war criminal for such sale, or a third party be appointed as an agent. Legal Section further advised that, when written consent is obtained, the directive to the Japanese Government be written indicating that the property is being sold with the consent of the suspected war criminal.

Allied Council

12. Legal Section submitted a check sheet to each division of Economic and Scientific Section requesting that "questions for submission to the Allied Council for Japan" be sent to the Legal Section twice a month.

Chinese Registration

13. Legal Section informed Diplomatic Section that word had been received from the Eighth Army of their compliance with radio advising that Chinese Nationals illegally entering Japan would be tried only in Occupation Courts, regardless of absence of registration certificates establishing the nationality of the Chinese. If proof of nationality is desired in this case, written evidence thereof may be obtained from the Osaka branch of the Chinese Mission.

Land Reform Act

14. Legal Section rendered opinion to Civil Property Custodian, Government Section, and Natural Resources Section that, although land reform in Japan is one of the prime objectives of the Occupation, this objective conflicts with the interests and rights of United Nations and their nationals insofar as expropriation of Allied-owned farm land without "adequate, effective, nor prompt" compensation is concerned, and that this act, in fact, constitutes "confiscation." The Diplomatic Section was also advised as to the contents of the opinion.

Patent Rights

15. Legal Section advised Japanese National that there is no procedure whereby patent rights can be obtained in foreign countries at present. When such procedures have been established, Legal Section stated that public announcement would be made to the Japanese people.

CONFERENCES

Scrap

16. Attended a subcommittee conference on scrap collection of the Controls Coordinating Committee and discussed plans and ways and means of increasing scrap collection throughout Japan.

Ford Motor Company

17. A conference with representatives from the Civil Property Custodian, the Ford Motor Company and Libbey Owens Glass Company in attendance. The Ford Motor Company made inquiry as to whether SCAP could review a criminal case decision, rendered before the surrender of Japan, whereby the Ford Motor Company was fined 15 million yen for violation of Japanese financial regulations. Legal Section advised that SCAP policy is not to interfere with Japanese cases which were settled prior to the occupation of Japan.

Defense Counsel

18. Conferred with liaison representative of Japanese Government with reference to paying Japanese defense counsel in Yokohama. They agreed that the plan proposed by the Law Division to increase the income of these attorneys was satisfactory and would be put into effect.

Chinese Witness

19. Advised the Provost Marshal of Shanghai the current procedure for sending a Chinese witness, now in Japan, to the United States to appear as a witness in a courts-martial.

Labor.

20. Attended a 3-day joint Labor-Civil Information and Education Section Conferences for EIGHTH Army Military Government officers. Participated in numerous conferences in which detailed administrative structure and implementing ordinances were presented for the establishment of the newly formed Ministry of Labor. Some of the work accomplished included: (a) Promulgation of detailed ordinances implementing the Labor Standards Law (in effect, a Fair Labor Standards Act) and (b) Bills establishing a comprehensive system of Workmen's Accident Compensation, which were passed by the Diet.

Occupation Courts

21. Conference with EIGHTH Army Judge Advocate to clarify the jurisdiction of cases involving illegal possession of United States goods which occurred prior to 27 June 1947. EIGHTH Army agreed that these cases were not crimes under Japanese law prior to that date and military government would be informed that they should be tried in Occupation courts.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

22. During the period 25 August - 24 September 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

23. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 25 Aug.	Cases Received 25 Aug - 24 Sept.	Cases Closed 25 Aug. - 24 Sept.	Cases on hand 24 Sept.	Reports Submitted 25 Aug. - 24 Sept.
POW Camp Conditions	14	1	4	11	12
Fliers	505	2	16	491	62
Ship	31	0	0	31	3
Kempei Tai International Police	31	0	0	31	4
POW Atrocities	131	0	6	125	20
Miscellaneous	1016	5	70	951	161
Total	1728	8	96	1640	262

APPREHENSION OF SUSPECTED WAR CRIMINALS

24. During the period 25 August to 24 September 1947, nine memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 33 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons ordered Apprehended</u>
AG 000.5 (27 August 1947)	4431-A	6 Army Officers 3 Army Enlisted Men 2 Navy Officers 2 Civilians
AG 000.5 (5 September 1947)	4457-A	2 Civilians
AG 000.5 (5 September 1947)	4459-A	1 Army Officer 2 Army Enlisted Men
AG 000.5 (11 September 1947)	4488-A	1 Army Enlisted Man
AG 000.5 (11 September 1947)	4489-A	2 Army Enlisted Men 1 Civilian
AG 000.5 (18 September 1947)	4543-A	1 Civilian
AG 000.5 (19 September 1947)	4548-A	1 Army Enlisted Man 1 Navy Enlisted Man 1 Civilian
AG 000.5 (20 September 1947)	4557-A	2 Army Officers
AG 000.5 (23 September 1947)	4568-A	3 Army Officers 1 Navy Officer 1 Civilian

25. In eight memoranda the Japanese Government was notified of the deletion of 99 names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (26 August 1947)	4425-A	7 persons

AG 000.5 (26 August 1947)	4426-A	45 persons
AG 000.5 (3 September 1947)	4444-A	6 persons
AG 000.5 (3 September 1947)	4445-A	16 persons
AG 000.5 (5 September 1947)	4464-A	6 persons
AG 000.5 (12 September 1947)	4496-A	1 person
AG 000.5 (15 September 1947)	4516-A	16 persons
AG 000.5 (17 September 1947)	4533-A	2 persons

26. By nine memoranda the Japanese Government was notified of the clarification of status of 86 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (19 August 1947)	4375-A	14 persons
AG 000.5 (20 August 1947)	4379-A	12 persons
AG 000.5 (27 August 1947)	4427-A	17 persons
AG 000.5 (4 September 1947)	4452-A	10 persons
AG 000.5 (4 September 1947)	4453-A	13 persons
AG 000.5 (10 September 1947)	4482-A	6 persons
AG 000.5 (10 September 1947)	4483-A	5 persons
AG 000.5 (17 September 1947)	4535-A	2 persons
AG 000.5 (17 September 1947)	4536-A	7 persons

27. By one memorandum the Japanese Government was notified of a Psychiatric Examination.

AG 000.5 (23 September 1947)	4569-A	1 person
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28. On requests initiated by this Section, 58 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1051 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

29. During the period 25 August - 24 September 1947, 16 trials were completed involving 42 perpetrators. At the close of this period five trials were in progress. In addition to the cases completed and those in session, 18 cases were referred to the Commanding General, EIGHTH Army, which includes additional charges and specifications and/or revisions, for reference to a Military Commission for trial. At the present time there are 136 perpetrators whose cases are in various stages of preparation.

30. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 365 defendants have been tried, 349 found guilty and 16 found not guilty. Thirty-three of the 359 found guilty have been given the death sentence. Five death sentences have been executed and 28 are awaiting approval. The remaining 316 war criminals found guilty were sentenced to terms of imprisonment ranging from one year to life at hard labor.

31. Statistics of War Crimes Trials Completed During Current Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Eitaro UCHIYAMA	Com.Gen.	Lt.Gen.	18 July - 28 Aug 47	30 yrs. imprisonment
Michio KUNITAKE	Chf. Staff	Lt.Gen.		3 yrs. imprisonment
Kiyotomi OTAHARA	Chf. Legal Section	Maj Gen		Death by hanging
Norio YAMANAKA	Judge	Major		25 yrs. imprisonment
Buichi ONO	Law Mem.	Capt.		30 yrs. imprisonment
Hideo MATSUMORI	Mem. of Conf.	1st Lt.		10 yrs. imprisonment
Yorio OGIYA	Prosecutor	1st Lt.		3 yrs. imprisonment
Kanji NAKAMICHI	Com. Off.	Capt.		3 yrs. imprisonment
2. Shinobu SHICHINO	Med. Sgt.	Sgt.	11 Aug - 28 Aug 47	25 yrs. imprisonment
Masanobu MICHISHITA	Exec. Off.	Sgt. Maj		Death by hanging
Mineo NOJIMA	Cook and Guard	Civ.		Life imprisonment
3. Tokio TOBITA	Adm. & Sup. NCO	Sgt.	21 Aug - 29 Aug 47	30 yrs. imprisonment
4. Keiichi NAKATANI	Guard	Civ.	27 Aug - 29 Aug 47	Acquitted
5. Yoichi SAITO	Camp Com.	1st Lt. & Capt.	13 Aug - 5 Sept 47	25 years imprisonment
Morio INOUE	Med. Ord.	Civ.		15 yrs. imprisonment
Kiyofusa SAKAGUCHI	Guard	Civ.		2 yrs. imprisonment
6. Masaji INO	Ranking Non-com	Sgt	21 Aug - 8 Sept 47	Life imprisonment
Chosuke ONODERA	Guard	Civ.		Life imprisonment
7. Toshi AKUTSU	Com. Off	Capt.	26 Aug - 9 Sept 47	5 yrs. imprisonment
8. Mutsue OKUBO	Adm. Off	Sgt. Maj	9 Sept - 9 Sept 47	2 yrs. imprisonment
9. Iju SUGASAWA	Area Com.	Col.	3 Sept - 10 Sept. 47	Death by hanging
Kazumoto SUEMATSU	Camp Com.	1st Lt.		Death by hanging
Tsuguo IWANUMA	S/Maj Camp	W/O		Death by hanging
Masakatsu HOZUMI	Guard	Sgt		Death by hanging

10. Hichiro TSUCHIYA	Foreman	Civ.	10 Sept 47 11 Sept 47	15 yrs. imprisonment
11. Kaneichi KOIKE	Judicial Officer	1st Lt.	9 Sept - 12 Sept 47	4 yrs. imprisonment
12. Kajuro OKAZAKI	Camp Com.	Lt. Col.	4 June - 15 Sept 47	20 yrs. imprisonment
Goro UCHIDA	Sr. Med. Off.	Capt.		17 yrs. imprisonment
Tokio WATANABE	Physician	Civ.		12 yrs. imprisonment
Yuzuru NOGUCHI	Area Com.	Lt. Col.		22 yrs. imprisonment
Isamu GOTO	Adm. Off.	Capt.		Acquitted
Shigeru ARIIZUMI	Leg. Off.	Lt.		1 yr. imprisonment
Yasutosi MIZUGUCHI	Med. Off.	Lt.		Death by hanging
Masataro TAKUMA	Guard	Cpl.		31 yrs. imprisonment
Rinsaburo SHITO	Guard	Pvt. & L/Cpl		33 yrs. imprisonment
Yohachi KUROKAWA	Paymaster	Lt.		2 yrs. imprisonment
Takeo TERADA	Camp Adj.	Capt.		37 yrs. imprisonment
Tatsumi USHIHARA	Med. Ord. & Interp.	Civ.		10 yrs. imprisonment
13. Takeyasu NISHI	Guard	Civ.	15 Sept - 15 Sept 47	8 yrs. imprisonment
14. Masataro NAKATANI	Guard	Civ.	15 Sept - 16 Sept 47	5 yrs. imprisonment

32. Statistics of War Crimes Completed Prior to This Reporting Period - Not Previously Reported.

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Eiichi ITO	Guard	Civ.	14 Aug - 21 Aug 47	8 yrs imprisonment
2. Noboru SEKI	3rd Comd. Kempei Tai	W/O	18 Aug - 22 Aug 47	20 yrs. imprisonment

Trial of Eitaro UCHIYAMA et al

33. Eitaro UCHIYAMA, former lieutenant general in the Japanese Army, was Commander-in-Chief of the 15th Area Army and Central Headquarters and was charged with command responsibility for the beheading of two American airmen, which took place in the spring of 1945 in the Osaka Area. Command responsibility for approving the sentence and ordering it to be carried out were his.

Kiyotomi OTAHARA, former major general and head of the Judicial Section of the 15th Army Area Headquarters, was charged with the responsibility of supervising and directing the investigation of the fliers, and the determination of charges against them, and also with influencing members of the Japanese tribunal in arriving at the death sentence.

Norio YAMANAKA, former Japanese Army major, was presiding judge of the Military Discipline Commission, while Buichi ONO, former captain and Senior Judicial Officer at Central Army Headquarters, and Hideo MATSUMORI, former first lieutenant, also served on the Commission. All members of the commission voted the death penalty.

Yorio OGIYA, former 1st lieutenant, acted as prosecutor during the trial and later supervised the execution.

Kanji NAKAMICHI, former captain and commanding officer of Osaka Military Prison, received orders from OGIYA for the execution which he carried out.

Michio KUNITAKE, former lieutenant general and Chief of Staff to UCHIYAMA, was charged with the responsibility of ordering execution of the sentence of the two fliers.

Trial of Shinobu SHICHINO et al

34. Shinobu SHICHINO, was medical sergeant from 1 January to 10 June 1943 at the Mitsushima Prisoner of War Camp in Nagano Prefecture, Tokyo Area, Honshu, Japan. He was charged with mistreating and abusing numerous American and Allied Prisoners of War thereby contributing to their deaths; by neglecting his duties as a medical sergeant, by failing to control and restrain SHIORI, the medical orderly under his command permitting him to commit cruel and brutal acts, atrocities and other offenses against American and Allied Prisoners of War.

Masanobu MICHISHITA, the Camp Executive Officer from 26 November 1942 - 31 July 1943 was charged with willfully and unlawfully mistreating and abusing numerous American and Allied Prisoners of War by beating them, by inflicting cruel and inhuman collective punishments on them for alleged offenses by a few, by forcing and compelling sick prisoners to perform arduous labor, by withholding necessary and available medicines and medical supplies from sick prisoners, and by failing to provide them with adequate food, clothing and shelter, thereby contributing to their deaths. He also ordered and caused camp guards under his supervision to mistreat and abuse them, thereby failing to discharge his duties as Sergeant Major of said Camp.

Mineo NOJIMA, who served as chief cook unofficially in charge of the food and sometimes as guard at large between 7 December 1942 and 31 July 1943, was responsible for forcing the men to eat raw barley and rotten fish. He was charged with willfully and unlawfully mistreating and abusing numerous American and Allied Prisoners of War by beating them, by failing to properly prepare their food, and by inflicting cruel and inhuman collective punishments on them for alleged offenses by a few, thereby contributing to their deaths.

Trial of Tokio TOBITA

35. Tokio TOBITA was a non-commissioned officer in charge of administration and all work details at the Shinagawa Prisoner of War Hospital, Shinagawa, Tokyo Area, Honshu, Japan, from 24 November 1944 to 1 September 1945. He was charged with forcing the men to perform arduous labor while ill and physically unfit to do so and also of beating and abusing prisoners who were ill. He worked tuberculosis patients and even the doctors were forced to perform manual labor during the day time while they performed emergency operations at night.

Trial of Keiichi NAKATANI

36. Keiichi NAKATANI was a civilian employee at three Prisoner of War Camps in the Osaka Area from February 1944 to April 1945. He was accused of permitting and participating in the beating of American Prisoners of War.

Trial of Yoichi SAITO et al

37. Yoichi SAITO, former captain in the Japanese Army and camp commander of the Fukuoka Prisoner of War Camp Fourth Branch, Moji, Kyushu, Japan between 1943 and 1945 was charged with ordering and allowing his subordinates to brutally beat and otherwise mistreat prisoners of war. In some cases the prisoners were beaten into a state of insensibility. He was also charged with misappropriating Red Cross supplies.

Morio INOUE, former civilian guard at the same camp was charged with beating and abusing American and Dutch and British Prisoners of War. In many cases broken bones resulted from the beatings.

Kiyofusa SAKAGUCHI, former civilian guard and interpreter at the camp was charged with mistreatment of three American Prisoners of War.

Trial of Masaji INO and Chosuke ONODERA

38. Masaji INO, former sergeant in the Japanese Army and second in command at the Tokyo Area Prisoner of War Detached Camp Number 11-D, also known as Camp Number 14-B, Yokohama, Honshu, Japan, was charged with beating and abusing prisoners of war and of killing a Dutch prisoner. This prisoner was so weak from disease that he could barely walk and was unable to keep up with the other men. When he refused to obey the order to catch up with the rest of the men, INO drew his sword and killed him.

Chosuke ONODERA was employed by the Shibaura Electric Company as a watchman and was directly concerned with the prisoners of war who worked at the company. He was charged with the brutal beatings and mistreatment of numerous prisoners. One Dutch prisoner was kicked and beaten by ONODERA, and a plate was also broken across his head as a result of which he became unconscious and died. He was charged with contributing to the death of an Australian Prisoner of War.

Trial of Toshi AKUTSU

39. Toshi AKUTSU, formerly a captain in the Japanese Army, was commander of a labor detail in the vicinity of the town of Capas, Tarlac, Luzon, P. I. during 1942. He was charged with permitting his subordinates to beat and abuse American Prisoners of War and to require physically unfit prisoners to perform manual labor.

Trial of Mutsue OKUBO

40. Mutsue OKUBO, then sergeant major in the Japanese Army, was non-commissioned officer in charge of various work details at the Davao Penal Colony, Mindanao, Philippine Islands, from October 1942 - June 1944. He was charged with the mistreatment and beating of several American Prisoners of War and is said to have had a tendency to pick on officers rather than enlisted men.

Trial of Iju SUGASAWA et al

41. Iju SUGASAWA, then colonel in the Japanese Army and in charge of the Fukuoka Area Prisoner of War Camps, Kyushu, Japan from January 1943 - July 1944, issued orders that escaped prisoners should be executed upon capture without benefit of court martial. He was charged with participating in the death of an Australian Prisoner of War in August 1943.

Kazumoto SUEMATSU, then first lieutenant in the Japanese Army and camp commander of the Orio Branch Camp, Fukuoka Area, was dispatched to pick up the prisoner and execute him on the way back to camp.

Tsuguo IWANUMA, former warrant officer and sergeant major at the camp shot the escaped prisoner in the back when he was unconscious.

Masakatsu HOZUMI, former sergeant and guard at the camp was charged with causing and participating in the death of the prisoner. He rendered the prisoner unconscious using judo and when the man showed signs of reviving, HOZUMI stabbed him with his sword.

Trial of Hichiro TSUCHIYA

42. Hichiro TSUCHIYA was foreman at the Osarizawa Copper Mine between November 1944 and August 1945. Prisoners of War from Sendai Area Prisoner of War Camp Number Six, Hanawa, Honshu, Japan were forced to work at this mine, which was a subsidiary of Mitsubishi Mines Works Inc. He was charged with beating prisoners with a variety of weapons including a pick handle, sledge hammer, and a club.

Trial of Kaneichi KOIKE

43. Kaneichi KOIKE, who was assigned as a first lieutenant to the Legal Department of the 10th Area Army, Taihoku, Formosa during 1945, acted at various times as investigation officer, prosecutor, and law member of military tribunals, in cases involving American airmen who had been shot down and captured in or near Formosa. He was charged with contributing to the unlawful killing of nine American airmen who were denied a fair trial by the Japanese.

Trial of Kajuro OKAZAKI et al

44. Kajuro OKAZAKI, formerly a lieutenant colonel in the Japanese Army, was charged with failing to discharge his duties as camp commander of the Jinsen Camp, Korea which he commanded from November 1942 until the end of the war. He failed to restrain and control his subordinates from beating and mistreating prisoners of war and from denying adequate and available medicines and medical treatment to the prisoners.

Goro UCHIDA was Senior Medical Staff Officer of the Korean Prisoner of War Headquarters between 1942 and 1945 and a former captain in the Japanese Army. He was charged with failing to inspect hospitals and to properly supervise the medical personnel under him and report to his superiors their denial of adequate and available medicines and medical treatment to the prisoners. He was also charged with permitting his subordinates to force sick Allied prisoners to work.

Tokio WATANABE, civilian doctor at the Konan Camp was charged with withholding adequate and available medicines and medical treatment from prisoners while Tatsumi USHIHARA, medical orderly and interpreter at the Keijo Camp, from 1942 to 1945 was charged with the same.

Yuzuru NOGUCHI, former Japanese Lt. Colonel was commander of the Korean Area Prisoner of War Camps, from June 1942 until the end of the war and also directly commanded the Keijo Camp. He was charged with failing to restrain his subordinates from mistreating prisoners of war by striking and beating them and by denying them medical aid and supplies.

Isamu GOTO, former Japanese Army captain was in charge of general affairs and administration at the Keijo camp from August 1942 until the end of the war. He was charged with forcing prisoner to construct a gun site and humiliating prisoners by forcing them to march through the streets of Fusan, as well as command responsibility for atrocities committed by his subordinates.

Shigeru ARIIZUMI and Yohachi KUROKAWA, both former lieutenants in the Japanese Army, were connected with the Keijo and Jinsen Camps respectively. ARIIZUMI came to Keijo in September 1942; KUROKAWA served at Jinsen starting in 1943. ARIIZUMI was charged with permitting the beating and mistreatment of two prisoners at the Keijo Camp. While KUROKAWA was charged with striking a British Prisoner of War on the head with a table and compelling him to stand at attention for two hours in cold weather while thinly clad.

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Yasutosi MIZUGUCHI, former lieutenant in the Japanese Army, who served as sergeant major, probationary officer, and medical officer at the Jinsen camp in 1944 and 1945, was charged with withholding adequate and available medicines and medical treatment and thereby contributing to the death of two American prisoners of war. He was also charged with abusing and torturing other prisoners, compelling physically unfit prisoners to work, and denying and refusing adequate and available medicines and medical treatment to prisoners.

Masataro TAKUMA, former corporal and later sergeant in the Japanese Army, was charged with beating and mistreating prisoners at the Keijo Camp in 1943 and 1944.

Rinsaburo SHITO, formerly lance corporal in the Japanese Army, served as a guard at both the Lonan and Keijo camps between 1943 and 1945. He was charged with the severe beating of an Australian Prisoner of War and the mistreatment of several other prisoners.

Takeo TERADA, former captain in the Japanese Army and camp adjutant at the Keijo Camp from 1942 to 1945, was charged with brutally beating numerous prisoners and also misappropriating Red Cross supplies.

Trial of Takeyasu NISHI

45. Takeyasu NISHI was a civilian guard employed by the Sanyo Smokeless Coal Company from September 1944 to September 1945. Prisoners of War from Hiroshima Prisoner of War Camp, Sixth Branch, Onizemachi, Honshu, Japan were employed in the company's mines. He was charged with beating prisoners with mining lamps, mining picks and his fists. On one occasion he was said to have beaten about fifteen American Prisoners with a metal hammer when he was dissatisfied with their work.

Trial of Masataro NAKATANI

46. Masataro NAKATANI was a civilian guard who served with the Japanese Army at Amagasaki Prisoner of War Camp, Osaka Area, Honshu, Japan between February 1944 and 6 April 1945. He was charged with the beating and abusing of two British non-commissioned officers and the beating of a British Navy Officer.

Trial of Eiichi ITO

47. Eiichi ITO served as a civilian guard at the Yodogawa and Maibara Camps in the Osaka area between 1942 and 1945. ITO was found guilty of beating and otherwise abusing five identified American prisoners of War and numerous unidentified victims. He performed medical and administrative duties at these camps.

Trial of Noboru SEKI

48. Noboru SEKI was a former warrant officer in the Japanese Kempei Tai. He was tried for the part he took in permitting the public beating and decapitation of a captured American airman who was shot down over Tachikawa on 8 August 1945.

AUSTRALIAN DIVISION

Investigation.

49. During the period of this report 51 interrogations were conducted, which resulted in obtaining 21 sworn statements. Investigations were conducted concerning the execution of two American airmen on Bougainville Island in 1943. The identity of one airman has been established and the name of his executioner is known. Investigation was continued regarding the

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decapitation of a native police boy in the same area.

50. Continuation was made of the investigations concerning the execution of approximately 40 civilians on New Britain during the period 1942-1945 and the ill-treatment of 12 Australian airmen at Batavia and Soemba Island in 1945. Also investigated were war crimes committed on Nauru, Hainan and Timor Islands and in Dutch New Guinea. Opened were investigations concerning the massacre of 21 Australian nurses and the murder of an Australian Commissioner at Banka Island in February 1942.

51. Investigations were continued regarding the execution of four Australian airmen, three Australian soldiers, and two American airmen in New Guinea during 1943 - 1945. More information was obtained concerning the execution of nine Australian airmen, members of the crew of an airplane shot down at sea by a Japanese vessel and, in addition, the execution of four Australian airmen and three Australian soldiers in Ambon in 1942 and 1943.

52. Investigation was conducted concerning the ill-treatment of prisoners of war at Camp Ohama 9-B and Camp Fukuoka 22-B, both in Japan.

Apprehension

53. Five requests for the apprehension of suspected war criminals were submitted during the period under review.

Prosecution

54. Charges and specifications against seven Japanese accused of the ill-treatment and starvation of Australian and Allied Prisoners of War at Tokyo 4-B Naoetsu Prisoner of War Camp were filed. An Australian Army Captain who was brought from Australia, and an Australian soldier (at present serving in Tokyo), both ex-prisoners at this camp, will give evidence for the prosecution at the forthcoming trial.

55. Charges and specifications against six Japanese, one a former Rear Admiral, accused of the massacre of 32 civilians at Kavieng in 1942, were completed during the period. This trial will take place at Hong Kong before an Australian Military Tribunal in the near future.

56. Final charges and specifications against four Japanese accused of the ill-treatment of Australian and Allied Prisoners of War, and the death of one Australian Prisoner of War at Ohama Prisoner of War Camp 9-B were filed.

57. On 4 September the trial of four Japanese accused of the murder of an Australian soldier at Orio Prisoner of War Camp 6-B opened in Yokohama with two officers of the Australian Division appearing as prosecutors. It was the first time in Japan that the prosecution has been conducted by an all-Australian team. On 10 September the commission found the accused guilty and sentenced all four to be hanged.

58. An additional 109 affidavits from Australians were received during the current period, making a total of 1490 affidavits received by the Division to date.

BRITISH DIVISION

Investigation

59. Sixty-one interrogations during the current period produced a total of 11 sworn statements. Investigation has centered mainly on two large groups of massacres carried out in Malaya by troops of General Yamashita's 25th Army. The first of these investigations which has now been in progress for two months, is concerned with several massacres in February 1942 in

Johore State which was then garrisoned by the 18th Division. The second group, comprising at least four well proven massacres, occurred in or about August 1942 in the State of Negri Sembilan, which was then garrisoned by troops of the 5th Division.

Apprehension

60. The arrest of six suspects was requested during the period. Twenty suspects are interned in Sugamo Prison awaiting transfer to South East Asia and an additional four are in the hospital. Sixteen war crimes suspects were transferred to Singapore for trial, making a total of 290 who have already been transferred.

Prosecution

61. Five trials involving 17 accused and 52 British victims were completed. Convictions were secured against 16 accused. British interest cases tried so far number 82, two cases are now being tried and an additional 14 cases are ready for trial.

62. Six affidavits were received from Judge Advocate, London. The total requested from London, including cancellations, is 648.

63. Six British witnesses, former prisoners of war, from London, Singapore and Hong Kong are now in Tokyo to testify at the Yokohama trials.

CHINESE DIVISION

Investigation

64. Thirty-four interrogations conducted during the current period produced a total of 19 signed statements. Statements which were taken from ex-Vice Admiral Seiich HARADA and ex-Major Yoshio KONDO have been forwarded to the Chinese Court in Nanking for the purpose of identifying war crime suspects.

65. The Division obtained two statements from Chinese witnesses in Formosa who were alleged to have knowledge concerning the treatment of certain Allied Prisoners of War. Also secured was confirmed information from Formosa regarding the location of a live witness.

Apprehension

66. During the period of the report the apprehension and incarceration of two more Japanese war crimes suspects was completed. Kenzo GOTO, former guard in Sendai Area Prisoner of War Camp Number 7, Hanaoka, Honshu, Japan, also known as Chusan Chinese Labor Camp, will be charged with atrocities he committed there, while Eishi MOTOI will be charged with command responsibility for ill-treatment of Chinese Nationals at the same camp.

67. Four Japanese suspected war criminals who committed crimes in China are awaiting transfer to China for trial.

68. The Division has communicated with Chinese authorities at Hainan Island in Southern China and Formosa to enlist their aid in locating and arresting a certain suspected war criminal who mistreated Allied Prisoners of War on Hainan Island.

Prosecution

69. The preparation of the Chusan Chinese Camp Case is nearing its completion. Six Chinese live witnesses are available to testify and one American witness is en route to Tokyo from the United States to assist the prosecution in the forthcoming trial.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

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Telegram: "JUDVOCATE, LONDON."
Telephone: WHITEHALL 7936 (two lines).

Any further communication on
the subject of this letter should be
addressed to:—

THE JUDGE ADVOCATE GENERAL,
SPRING GARDENS,
COCKSPUR STREET,
LONDON S.W.1.

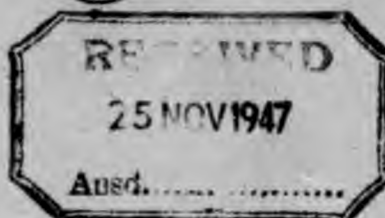
and the following number quoted:—



SPRING GARDENS,

COCKSPUR STREET,

LONDON, S.W.1.



21 November 1947

MD/JAG/FS/J/27
CONFIDENTIAL



United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

Subject: GHQ SCAP (Legal Section) Monthly Report
War Crimes

1. I enclose herewith for your retention a copy of GHQ SCAP Monthly Summation No. 25 of October 1947.
2. This office has been requested to ensure that the information given in this report is NOT published in the press.

*Please return
to Miss Hildy
R/O.*

(Barnett)
Lieutenant-colonel,
for Military Deputy,
J.A.G.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

R7/Br/27/4 A.

MONTHLY SUMMATION NO. 25

OCTOBER 1947

STATISTICS & REPORTS

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

File No. 319.1

Monthly Summation No. 25
October 1947

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LEGAL ACTIVITIES

1. The report on the activities of the Law Division from 18 September to 22 October 1947, inclusive, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Treason Case

2. Radio received from War Department requesting specific information concerning Kawakita, suspected of treason. Legal Section, upon research, advised Chief of Staff that: (a) the Japanese Government took no action either by law or regulation to require that employees in defense industries must be Japanese citizens, and (b) the functions of employees and interpreters at prisoner-of-war camps could be performed by other than Japanese citizens. Legal Section further advised that depositions in Japan could be taken by an attorney employed by SCAP, providing it did not interfere with his assigned duties, and without compensation. It was also recommended that procedural information should be obtained from Legal Section by the attorney selected.

Stock Rights

3. Legal Section advised Civil Property Custodian's Foreign Property Division that certain preemptive stock rights are valuable property rights of United Nations nationals to the same degree as regular stock shares in the company, and the disposal or retention of such rights is a responsibility of the Civil Property Custodian. Legal Section suggested that the exercise of the preemptive rights be postponed until such time as the share-holders have an opportunity to use their own judgment as to desirability of purchase, inasmuch as the small amount involved would not seriously interfere with the reorganization of said company.

Occupation Court Statistics

4. Submitted to Statistics & Reports Section the statistics received and compiled by Legal Section on the operation of the Provost Courts for the period 20 July to 20 August 1947. There were 1927 cases (including 148 traffic cases not reported heretofore), as compared with 1688 cases for the previous period.

Provost Court Representatives

5. Legal Section advised EIGHTH Army of appointment of French representative for trial of French national in the 1st Cavalry Division Area.

With the approval of the Chief of Staff, Legal Section prepared a radio to the Commanding General EIGHTH Army, establishing a procedure whereby the appointment of representatives of United Nations to provost courts will be expedited.

Provost Courts

6. Radio to EIGHTH Army advising appointment of Chief of the Chinese Mission branch at Nagasaki as Chinese representative on a provost court trial of two Chinese nationals in 24th Infantry Division Area.

Radio to EIGHTH Army advising appointment of Soviet representative for provost court trial of Soviet national charged with violation of the Price Control and Ration Law.

Radioed EIGHTH Army advising procedure for expediting appointment of United Nations representatives to provost courts for trials of United Nations nationals.

Radio to Commanding General EIGHTH Army, advising of appointment of ECOF representative for provost court trial of a Czechoslovakian at Kobe Base, inasmuch as there is no available representative of the accused's country.

Tonnage Dues

7. Transportation Section submitted to Legal Section the proposal for reinstating the assessment of charges for port facilities against all commercial passenger and cargo vessels, as authorized and practiced under former Japanese laws. Legal Section gave opinion that such dues could be re-established and suggested that the currencies so collected be credited to a SCAP commercial account for the purpose of purchasing imports for the Japanese nation.

Compensation for Property Sold

8. In reply to request from Civil Property Custodian, Legal Section advised that United States Commercial Company should be protected against claims for compensation in lieu of restitution, arising from the export from Japan and sale by United States Commercial Company of property which otherwise would be subject to restitution.

CONFERENCES

Republishing License

9. Attended a conference in Office of Deputy Chief of Staff, at which representatives of the Economic and Scientific Section's Finance Division and Civil Information and Education Section were also present, to discuss licenses to be issued by SCAP to the United States, British and Russian governments authorizing said governments to engage in the business of republishing books in Japan.

Negligence in Ship Operation

10. Conference with Transportation Section with reference to the law pertaining to negligence of a ship operating at excessive speed in fog. Legal Section advised that a speed of 20 knots would be negligence because the law states, "A vessel shall not proceed in a fog at a speed at which she cannot be stopped dead in the water in one-half the visibility before her."

Repatriated Prisoners

11. Conferred with Prison Affairs Division representatives of the Ministry of Justice, Japanese Government, in regard to imposing sentence, in lieu of non-payment of fine, on Japanese prisoners repatriated from Korea. Legal Section advised that this procedure was allowable.

Marriage

12. Conference with Ministry of Justice representatives with regard to pertinent law concerning marriage of an American in Japan to a Rumanian woman presently residing in Rumania. The Japanese law indicates that such a marriage would be valid if proper information and signatures of both parties, together with affidavits of the interested governments, were registered through the Diplomatic Section at the Yokohama Ward Office.

Conference with G-1, G-2, KORYU and USAMGIK in which a proposed reply was discussed to the Japanese request to admit non-Japanese who had married Japanese nationals. Legal Section concurred in SCAP action that non-Japanese women who had married Japanese nationals outside of Japan should be admitted, but that non-Japanese men who had married Japanese women outside of Japan would not be admitted.

German Nationals

13. At a meeting with Economic and Scientific Section, G-1, G-2, Civil Intelligence Section, Diplomatic Section, and Civil Property Custodian, the subject discussed was, "Non-objectionable German Nationals Residing in

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Japan, and Theater Restrictions in Relation to Them." It was unanimously agreed that German nationals who had been designated as non-objectionable would be treated the same as Japanese nationals, except as to food allotment and pay scale.

Shipbuilding

14. Conference with Transportation Ministry and Justice Ministry members of the Japanese Government and a representative of Economic and Scientific Section's Industrial Division, Shipbuilding Branch, regarding prosecution of Japanese for illegal ship-building. Ships are being built in several Japanese ship yards without the prior approval of SCAP. The Japanese stated that, although this was a violation of their law pertaining to ship-building, which contained a penalty clause of only ¥2,000, it could also be interpreted as a violation of an Imperial Ordinance and, therefore, subject to a greater penalty. Consequently, the Japanese procurators would be instructed to prosecute these cases under the appropriate Imperial Ordinance and report the results to Legal Section within 30 days.

Occupation Court

15. Conferred with Natural Resources Section regarding the property of the High Commissioner, Trust Territory, Pacific Islands, authorizing the Governor of Western Caroline Islands to appoint a provost court for the trial of six Japanese. These Japanese were sent down by the Natural Resources Section to work in mineral mines and were involved in crimes arising out of a riot at Anguar. Legal Section expressed the opinion that, under International Law, the occupying authorities of any area had the jurisdiction to try any persons under their jurisdiction for crimes against security, as in this case, and that any attempt to transfer these accused to Japan without trial might be unfavorably considered by the occupying authorities.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

16. During the period 25 September - 24 October 1947, the Investigation Division has continued to make a review of the files in an attempt to close all cases which do not warrant additional investigation, and also to close those cases which can be closed solely through administrative procedures since no field work is required. The primary purpose in giving time to such a project is to leave only those cases open which are important and large enough to warrant extensive investigation. Agents can then devote their time solely to working up these important cases to the point where prosecution can begin.

17. Work continues in the investigation of the air crashes in Japan. The various teams which have been set up for these investigations are still deployed throughout all parts of Japan and work closely with the Graves Registration units in the respective areas. As a result of investigation pertaining to the Tokyo Kampei Tai, it has been learned that several American fliers were poisoned by the Tokyo Kampei Tai. The death of one flier has been investigated to the point where charges and specifications are being prepared for trial, and seven suspects have been incarcerated in Sugamo Prison. Another case involving the beheading of two naval fliers and the beating and bayoneting to death of a third flier on Ishigake Island is ready to go to trial. In this case there are 45 defendants at the present time which will be the largest number of defendants in any single case yet handled by the Legal Section. Charges and specifications are also being prepared in a case involving atrocities at Shibuya Military Prison.

18. Cases now in the Investigation Division file are classified as follows:

	Cases on hand 25 Sept.	Cases Received 25 Sept to 24 Oct.	Cases Closed 25 Sept to 24 Oct.	Cases on hand 24 Oct.	Reports Submitted 25 Sept to 24 Oct.
POW Camp Conditions	11	0	4	7	20
Fliers	491	10	26	475	74
Ship	31	0	3	28	16
Kempei Tai International Police	31	0	0	31	7
POW Atrocities	125	1	15	111	34
Miscellan- eous	<u>951</u>	<u>6</u>	<u>111</u>	<u>846</u>	<u>196</u>
TOTAL	1640	17	159	1498	347

APPREHENSION OF SUSPECTED WAR CRIMINALS

19. During the period 25 September - 24 October 1947, eight memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 31 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons ordered Apprehended</u>
AG 000.5 (23 September 1947)	4568-A	3 Army Officers 1 Navy Officer 1 Civilian
AG 000.5 (25 September 1947)	4584-A	3 Army Officers 3 Army Enlisted Men 2 Civilians
AG 000.5 (30 September 1947)	4615-A	1 Army Officer 1 Navy Officer
AG 000.5 (9 October 1947)	4674-A	1 Army Officer 3 Army Enlisted Men
AG 000.5 (14 October 1947)	4708-A	1 Army Officer 1 Army Enlisted Man 1 Navy Enlisted Man 1 Civilian
AG 000.5 (14 October 1947)	4709-A	1 Army Officer 2 Army Enlisted Men
AG 000.5 (17 October 1947)	4720-A	2 Army Officers
AG 000.5 (18 October 1947)	4729-A	1 Army Officer 2 Army Enlisted Men

20. In eight memoranda the Japanese Government was notified of the deletion of 25 names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (23 September 1947)	4565-A	1 Person

AG 000.5 (23 September 1947)	4570-A	1 person
AG 000.5 (26 September 1947)	4590-A	4 persons
AG 000.5 (27 September 1947)	4596-A	2 persons
AG 000.5 (9 October 1947)	4678-A	1 person
AG 000.5 (20 October 1947)	4732-A	1 person
AG 000.5 (23 October 1947)	4750-A	3 persons
AG 000.5 (23 October 1947)	4753-A	12 persons

21. By eight memoranda the Japanese Government was notified of the clarification of status of 105 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (23 September 1947)	4566-A	15 persons
AG 000.5 (23 September 1947)	4567-A	26 persons
AG 000.5 (26 September 1947)	4589-A	16 persons
AG 000.5 (30 September 1947)	4618-A	5 persons
AG 000.5 (1 October 1947)	4623-A	2 persons
AG 000.5 (4 October 1947)	4650-A	30 persons
AG 000.5 (14 October 1947)	4711-A	10 persons
AG 000.5 (20 October 1947)	4731-A	1 person

22. By one memorandum the Japanese Government was notified of a Temporary Release.

AG 000.5 (27 September 1947)	4594-A	1 person
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23. By one memorandum the Japanese Government was notified of a Psychiatric Examination.

AG 000.5 (14 October 1947)	4712-A	1 person
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24. On requests initiated by this Section, 92 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1062 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

25. During the period 25 September - 20 October 1947, 11 trials were completed involving 21 perpetrators. At the close of this period eight trials were in progress. In addition to the cases completed and those in session, 15 cases were referred to the Commanding General, EIGHTH Army, which includes additional charges and specifications and/or revisions, for reference to a Military Commission for trial. At the present time there are 138 perpetrators whose cases are in various stages of preparation.

26. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 385 defendants have been tried, 368 found guilty and 17 found not guilty. Thirty-three of the 368 found guilty have been given the death sentence. Five death sentences have been executed and 28 are awaiting approval. The remaining 335 war criminals found guilty were sentenced to terms of imprisonment ranging from six months to life at hard labor.

27. Statistics of War Crimes Trials Completed During Current Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Yoshiaki KARIYA	Guard	Civ.	18 Sep 47 - 25 Sep 47	11 yrs. impris.
2. Shigetsuchi ASADA	Clerk	Civ.	24 Sep 47- 29 Sep 47	3 yrs. impris.
Ietoshi NODA	Liaison Off.	Civ.		3 yrs. impris.
3. Mitsuyoshi FUJITA	Timekeeper & Interp.	Civ.	26 Sep 47- 30 Sep 47	6 mos. impris.
4. Fumio UEDA	Guard	Civ.	26 Sep 47- 2 Oct 47	15 yrs. impris.
Hiroshi YAMAMOTO	Guard	Civ.		15 yrs. impris.
Shoichi FUJII	Guard	Civ.		15 yrs. impris.
Tatsumi DATE	Guard	Civ.		10 yrs. impris.
5. Yoshio MITSUHASHI	Actg.C.O.	Asst. Pol. Insp.	22 Sep 47- 7 Oct 47	5 yrs. impris.
Masatake NAKAO	C.O.	Pol.Supt.		Acquitted
Ko NEMOTO	Actg.C.O.	Asst.Pol. Insp.		5 yrs. impris.
6. Kanemasu UCHIDA	2nd in Com.	Sgt.Maj.	5 Sep 47- 7 Oct 47	20 yrs. impris.
7. Eiichi NODA	Admin.NCO	Cpl.Sgt.	19 Sep 47- 14 Oct 47	20 yrs. impris.
8. Keiji NAGAHARA	Com. Off.	Capt.	30 Sep 47- 14 Oct 47	1 yr. impris.
9. Terukichi SAITO	Guard	Civ.	6 Oct 47- 14 Oct 47	10 yrs. impris.
Shoichi SASAKI	Guard	Civ.		5 yrs. impris.
Kiyamatsu SUDA	Guard	Civ.		7 yrs. impris.
Seiichi YUTANI	Guard	Civ.		10 yrs. impris.
10. Matasuke ISHIMATSU	C. O.	1st Lt.	6 Oct 47- 15 Oct 47	12 yrs. impris.
Kosoki YAMAJI	2nd in Com.	Sgt.Maj		15 yrs. impris.
11. Tatsumi HATA	Cook	Civ.	8 Oct 47- 17 Oct 47	20 yrs. impris.

Trial of Yoshiaki KARIYA

28. Yoshiaki KARIYA, formerly a civilian guard at Hakodate Prisoner of War Branch Camp Number 1, Muroran, Hokkaido, between February 1943 and September 1945, was charged with the beating and mistreatment of American, British, and Dutch Prisoners of War. Nicknamed "The Sadist" by inmates of the camp, he was alleged to have beaten prisoners severely and frequently, usually with little or not provocation.

Trial of Shigetsuchi ASADA and Ietoshi NODA

29. Shigetsuchi ASADA and Ietoshi NODA were both civilian employees of the Motoyama Coal Mine Company, a division of the Ube Industrial Coal Company Ltd., during 1944 and 1945. Prisoners from Hiroshima Branch Prisoner of War Camp Number 8, Motoyama, Yamaguchi Prefecture, Honshu were forced to work for this company. NODA, who acted as liaison officer between the company and the camp authorities, was found guilty of beating and kicking two British prisoners, while ASADA, who worked as a clerk for the company, was convicted of mistreating three British prisoners and two Dutch prisoners.

Trial of Mitsuyoshi FUJITA

30. Mitsuyoshi FUJITA was a civilian serving with the Japanese Army as timekeeper and interpreter, at the Fifth Branch Prisoner of War Camp, also known as the Innoshima Prisoner of War Camp, Hiroshima Area, Honshu, between 1942 and 1945. He was found guilty of forcing a British prisoner to kneel across a narrow bench for a long period of time and of mistreating numerous unidentified Allied Prisoners of War.

Trial of Fumio UEDA et al.

31. Fumio UEDA, Hiroshi YAMAMOTO, Shoichi FUJII, and Tatsumi DATE served as civilian guards at the Ninth Branch Camp, Ohama, Hiroshima Prisoner of War Camp, Honshu, at various times between 1943 and 1945. All four were found guilty of beating and mistreating an Australian prisoner, while UEDA, YAMAMOTO, and FUJII were convicted of beating a British prisoner and forcing him to kneel for a long period of time.

Trial of Yoshio MITSUHASHI et al.

32. Yoshio MITSUHASHI and Ko NEMOTO were Assistant Police Inspectors in charge of Fukushima Internment Camp, Fukushima-ken, Honshu, between 1942 and 1944. The accused were both found guilty of failure to provide adequate food and medical and dental treatment for the civilian internees, who were mostly British subjects, as well as failure to restrain their subordinates from committing atrocities. Both men and women internees were beaten and mistreated at the camp, while several internees were forced to kneel for long periods of time and deprived of their meals.

Trial of Kanemasu UCHIDA

33. Kanemasu UCHIDA was a former Japanese Army sergeant major who served at various times between 1943 and 1945 as second in command at Tokyo Area Prisoner of War camps 3-D, 5-B, and 16-B, which were located respectively at Yokohama, Niigata, and Kanose, Honshu. Previously sentenced to five years' imprisonment at hard labor for his part in the bayoneting of an American Prisoner of War, UCHIDA was found guilty of the frequent beating of prisoners with bamboo swords and also of the misappropriation of Red Cross supplies. Particularly brutal examples of UCHIDA's mistreatment of prisoners include the beating of a British prisoner until one of the former internee's eyes was knocked from its socket, and the severe beating of an American prisoner who was later tied to a tree in the snow for approximately three hours.

Trial of Eiichi NODA

34. Eiichi NODA, California born Nisei, was formerly a Japanese Army corporal, and later sergeant. He was conscripted into the Japanese Army since he elected to remain in Japan instead of returning to America after he finished his schooling. NODA served in the Finance and Prisoner Supervision departments at Hoten Prisoner of War Camp, Mukden, Manchuria between November 1942 and May 1944. NODA was found guilty of beating and kicking prisoners and of forcing one prisoner to work when he was physically unfit to do so.

Trial of Keiji NAGAHARA

35. Keiji NAGAHARA, former Japanese Army captain, was camp commander of Nagoya Area Prisoner of War Camp Number 6, formerly known as Tokyo Area 21-D Prisoner of War Camp, Takaoka City, Toyama Prefecture, Honshu from September 1944 until September 1945. NAGAHARA was found guilty of permitting his subordinates to misappropriate Red Cross supplies.

Trial of Terukichi SAITO et al

36. Terukichi SAITO, Shooichi SASAKI, Kiyamatsu SUDA, and Seichi YUTANI all served as civilian guards at Hakodate Main Prisoner of War Camp, Hakodate, Hokkaido. All four men served at the camp during 1943 and 1944, while SAITO's tour of duty extended until February 1945. SAITO on various occasions beat prisoners severely, forced them to kneel down holding buckets of coal out in front of them, and forced them to stand at attention outside in the cold. YUTANI, SUDA, and SASAKI were found guilty of participating on several occasions in the mistreatment of a British prisoner who was dragged from his bed, taken to the guard room, beaten, and forced to hold some heavy object above his head or at arm's length. The three men were also found guilty of the beating and mistreatment of numerous other prisoners.

Trial of Matasuke ISHIMATSU and Koseki YAMAJI.

37. Matasuke ISHIMATSU, former Japanese Army first lieutenant, was camp commandant of Hiroshima Branch Prisoner of War Camp Number 4, Mukaishima, Mukaishima Island, from November 1942 until April 1945. Koseki YAMAJI, former sergeant major, was second in command at this camp from November 1942 until the end of the war. Both men were found responsible for the placing of prisoners in solitary confinement in cells unfit for human habitation and forcing prisoners to kneel at attention for long periods of time with sticks placed behind their knees. By forcing four prisoners to work when they were ill, ISHIMATSU contributed to their death, while YAMAJI was found guilty of beating prisoners into insensibility.

Trial of Tatsumi HATA

38. Tatsumi HATA, former civilian cook serving with the Japanese Navy, was at Ofuna Prisoner of War Camp, Ofuna, Honshu from May 1942 until the end of the war. HATA was convicted of misappropriating food supplies and converting them to his own use while on duty at the camp, thus contributing to the death of four Allied prisoners who died of malnutrition. He was also found guilty of beating prisoners and causing others to beat them.

AUSTRALIAN DIVISION

Investigation

39. During the current period 54 interrogations were conducted and 23 sworn statements were obtained. Two investigations were completed during the month. Investigation was continued in cases involving the execution of American airmen on Bougainville Island in 1943 and acts of cannibalism by Japanese Army personnel on Bougainville in December 1944. Also continued was investigation of the execution of nine Australian airmen at seas near New Britain and the execution of approximately 40 civilians in New Britain during 1942-1945, as well as executions and other atrocities involving Allied personnel in Dutch New Guinea and the execution of eight American airmen, four Australian airmen and three Australian soldiers in New Guinea during 1943-1945.

40. Investigations were continued concerning the execution of three Australian soldiers, four Australian airmen and two Allied airmen in Ambon in 1942-1943 and the execution of 21 Australian nurses and the murder of the Australian Commissioner at Banka Island in February 1942. Also under investigation were the fate of one Australian airman and the execution of another at Tanimbar in 1943-1944, the fate of two Australian soldiers in Java in 1944, the illtreatment of 12 Australian airmen at Batavia and Soemba Island in 1945, the brutal treatment of Australian soldiers in Borneo, and the massacre of Australian Prisoner of War in Malaya in February 1942.

41. A Japanese war crimes suspect who had been detained in Rabaul in connection with atrocities on Nauru Island was returned to Japan during the current period for interrogation by the Division. It is anticipated that he will be moved to Hong Kong for trial at an early date.

42. During the period under review the Division concurred in the request that a war crimes suspect interned in Sugamo Prison be transferred to a Japanese hospital under house arrest, since he is suffering from tuberculosis in an advanced stage. This Japanese was to have been transferred to Hong Kong to be tried for complicity in the death of two Australian airmen on Kairiru Island in 1945. Prior to transfer, he provided information concerning the execution of an American airmen on Kairiru Island in 1944. This information has been turned over to the American authorities.

Apprehension

43. The request for the apprehension of a former Japanese major general was submitted by the Division, and he was apprehended and interned in Sugamo Prison during the current period.

44. On 17 October 1947, 23 suspected war criminals and 10 Japanese civilians, members of a Defense Party, left Tokyo for Hong Kong where the suspects will be tried before an Australian Military Court.

Prosecution

45. Another trial with an all Australian team appearing for the prosecution was concluded during the period under review. Three of the accused each received a sentence of 15 years' imprisonment, while the one remaining accused was sentenced to 10 years' imprisonment. The preparation of charges and specifications against former members of the staff of Kawasaki Prisoner of War Camp, Kobe, Honshu, was commenced during the current period.

46. Two Australian soldiers, both ex-prisoners of war who are at present serving in Japan, were brought to Tokyo for the purpose of supplying additional information and appearing as witnesses for the prosecution at a forthcoming trial.

47. The receipt of 30 affidavits from Australians during the current period brings the total of affidavits received by the Division to date up to 1520.

BRITISH DIVISION

Investigation

48. Fourteen sworn statements were taken during the period in the course of 80 interrogations. Investigation by the Division in connection with two large-scale massacres in Malaya during 1942-1943 by troops of General Yamashita's 25th Army has revealed the names of many Japanese garrison commanders who, upon orders from higher headquarters, carried out purges against Chinese suspected of contributing secret funds to the Central Chinese Government. Some of these garrison commanders have been located in Japan and have made statements which heavily incriminate their superiors.

Apprehension

49. No further arrests have been requested during the period. Fourteen suspects are being held at present in Sugamo Prison awaiting transfer to South East Asia and a further two suspects, likewise to be transferred to South East Asia, are in the hospital. Five war crimes suspects were transferred to Singapore aboard the S. S. TALMA on 6 October 1947. This brings the total number of suspects transferred to 295.

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Prosecution

50. Ten trials, involving 19 accused and 35 British victims, named and unnamed, were completed during the period. Convictions were secured against 17 accused, while two suspects were acquitted. Five cases are now on trial and two more are ready for trial. This brings the total number of cases involving British interests up to 92.

51. Twenty-two affidavits were received from the Judge Advocate General, London, England and one new request was made.

CHINESE DIVISION

Investigation

52. During the period of this report 14 interrogations were conducted, which produced a total of six signed statements. The investigation of war crimes in connection with the importation of Chinese laborers to Japan has been initiated. Evidence was obtained from a number of Japanese suspects who were interviewed.


53. Investigation was conducted concerning the wholesale slaughter of 20 Chinese judicial personnel in Chiehkiang Province, Central China, during March of 1944 by troops of Lieutenant General Sanji OKIDO's 22nd Infantry Division. For the purpose of identification of the accused criminals, a signed statement was obtained from OKIDO, who is at present confined in Sugamo Prison. Continuing investigations in relation to a number of prospective cases are also making successful progress.

Apprehension

54. During the period four Japanese suspected war criminals including a former rear admiral have been transferred to Nanking to stand trial.

Prosecution

55. During the current period the preparatory work on the Chusan Chinese Camp Case has been completed. It is expected that the trial will commence in the early part of next month.


THEODORE R. C. KING
Major, Infantry
Executive Officer

R7/Bc/18/12

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUBMATION No. 26

NOVEMBER 1947

STATISTICS & REPORTS

File No. 319.1

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LEGAL ACTIVITIES

1. The report on the activities of the Law Division from 23 October to 19 November 1947, inclusive, is necessarily incomplete due to the fact that most of its important work involves highly classified problems that may not be included in an unclassified report of this kind, intended for publication and release to the public. Consequently the true scope and importance of the work done by this Division is not completely reflected herein. The unclassified activities which may be reported are as follows:

Provost Courts

2. A radio was sent to EIGHTH Army confirming Soviet nationality of three men and advising of appointment of USSR representative to a provost court for their trial at Kobe.

A radio was sent to EIGHTH Army advising that Turkish nationality of a certain woman (accused of violating the Japanese Price Control Laws) cannot be satisfactorily established by any documentary evidence and that, therefore, for purpose of provost court trial she should be considered as a stateless person.

A radio was sent to EIGHTH Army advising that since the status of an individual who is charged with illegal possession of post exchange items cannot be satisfactorily established by documentary evidence as that of a Filipino, and the individual is--in fact-- a Japanese national, the person in question is, therefore, triable in Japanese courts.

Legal Section advised EIGHTH Army Judge Advocate that a representative of Poland is not available for appointment on a provost court trial of a Polish national and that, therefore, a member of SCOF may be appointed as a substitute.

Disposition of Funds

3. EIGHTH Army requested the procedure for disposition of yen funds due deceased foreign national employees. Legal Section in a check note to Civilian Personnel Section, listed the persons having the status of "foreign nationals" and stated that, under international law, the pertinent Japanese law - Japanese Civil Code, Book V, titled "Succession" - would govern the disposition of the estate of a foreign national who has died in Japan.

Income Tax

4. Legal Section presented to SCAP an explanatory memo entitled, "Deductibility of War Losses under Income Tax Laws." Such losses may be deducted from income tax as of any date between the last date on which the United States or a friendly country had control, and the earliest date upon which the enemy assumed full control of the area where the loss occurred. If the property lost is later recovered, such property will be treated as a gross income to the same extent as it was regarded a deductible loss.

CLAIMS

Netherlands National

5. A Netherlands national was owner of a house in Yokohama on 7 December 1941. In 1944 the house was sold to a Japanese national (amount being credited to the United Nations National in a blocked account). In November 1945, the house was requisitioned by the United States Occupation Forces and used as a billet for Red Cross personnel. In February 1945, the house burned down through negligence of a Japanese janitor. Legal Section advised G-4 that: (a) the request to requisition a house

to restore this United Nations National's house is illegal, (b) the claim is not payable under the foreign claims regulations, and (c) there was no legal relationship between the United States and the owner of the house where requisitioned property is concerned.

German National

A German national lost three houses in Japan through bombing raids during World War II. Legal Section advised Public Health and Welfare that, as an enemy national, he would have no basis for claim against Allied Powers, but that he may present claim to the Japanese Government through the Central Liaison Office, if he so desires.

Foreign Trade (American Corporation)

6. The foreign trade representative of this company has submitted to Boeki Cho for recognition certain understandings with Japanese suppliers concerning the 1948 tuna output. Legal Section advised Economic and Scientific Section that confirmation of this proposition would be contrary to SCAP's policy regarding foreign trade because: (1) contracting directly with suppliers is forbidden, (2) negotiations for buying fish are to take place between the date of announcement of availability and date of sale, (3) approval of such understandings would grant a virtual monopoly to said corporation, and, also, (4) the extension of Japanese fishing areas is an international problem at present.

Japanese Attorneys

7. Legal Section submitted to SCAP a list of certain Japanese lawyers residing in various large cities in Japan (approved by C-2 as to suitability) qualified for use by American firms and individuals.

Summons and Complaint

8. Legal Section notified Adjutant General that there is no established procedure for personal service of Summons and Complaint on defendant in divorce proceedings as requested in letter from Minnesota lawyer. The American Consulate in Yokohama is not permitted to effect such service. Said lawyer under the statutes of Minnesota could make service of summons by publication thus obviating personal service. It is not SCAP policy to act on behalf of attorneys in private matters.

CONFERENCES Tobacco

9. Attended conference with members of Government Section and Japanese Ministry of Finance concerning new tobacco rationing regulation, caused by decrease in Japanese rationed tobacco for purpose of increasing finances under the new budget.

United States Commercial Company

10. Attended conferences with Economic and Scientific Sections/ Foreign Trade and United States Commercial Company members to consider transfer of functions of United States Commercial Company: discussed: (1) Restrictions to dollar markets in present and proposed agreements, (2) Proposed coordinator plan and United States Commercial Company's experiences under existing contracts, (3) Functionalization of coordinator plan, and (4) Availability of personnel under present Tables of Organization.

Spindles

11. Conferred with a representative of Economic and Scientific Section's Textile Division concerning request of J. P. Coats & Co., Ltd. for segregation of 30,000 spindles for use by a former Japanese spinning company in which J. P. Coats & Co., Ltd. owned 60% stock interest until said company was restored to its former position in the Japanese spinning industry and returned to its former owners. Check Sheet prepared by Legal Section for Economic and Scientific Section to Civil Property

Custodian denied the application of J. P. Coats & Co. Ltd., on grounds that their claim would not be liquidated within the foreseeable future and Economic and Scientific Section's Textile Division had decided to assign all spindles under the allocation program on the basis of ability of spinning companies to commence business promptly.

INVESTIGATION OF SUSPECTED WAR CRIMINALS

12. During the period 25 October - 24 November 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

13. Cases now in the Investigation Division files are classified as follows:

	Cases on hand 24 Oct.	Cases Received 25 Oct. to 24 Nov.	Cases Closed 25 Oct. to 24 Nov.	Cases on hand 24 Nov.	Reports Submitted 25 Oct. to 24 Nov.
POW Camp Conditions	7	0	1	6	12
Fliers	475	9	33	451	86
Ship	28	0	2	26	6
Kempei Tai International Police	31	0	0	31	2
POW Atrocities	111	0	3	108	8
Miscellaneous	<u>846</u>	<u>0</u>	<u>22</u>	<u>824</u>	<u>74</u>
TOTAL	1498	9	61	1446	188

APPREHENSION OF SUSPECTED WAR CRIMINALS

14. During the period 25 October to 24 November 1947, four memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 11 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (3 November 1947)	4829-A	1 Army Officer 1 Army Enlisted Man
AG 000.5 (17 November 1947)	4885-A	2 Navy Enlisted Men
AG 000.5 (17 November 1947)	4886-A	1 Army Enlisted Man 2 Civilians
AG 000.5 (17 November 1947)	4887-A	3 Army Officers 1 Army Enlisted Man

15. In three memoranda the Japanese Government was notified of the deletion of 29 names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (29 October 1947)	4798-A	3 persons
AG 000.5 (7 November 1947)	4844-A	21 persons
AG 000.5 (19 November 1947)	4900-A	5 persons

16. By four memoranda the Japanese Government was notified of the clarification of status of 34 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (29 October 1947)	4797-A	9 persons
AG 000.5 (4 November 1947)	4831-A	9 persons
AG 000.5 (8 November 1947)	4851-A	11 persons
AG 000.5 (15 November 1947)	4875-A	5 persons

17. By two memoranda the Japanese Government was notified of two hospital arrests.

AG 000.5 (28 October 1947)	4789-A	1 person
AG 000.5 (21 November 1947)	4902-A	1 person

18. By one memorandum the Japanese Government was notified of a temporary release.

AG 000.5 (29 October 1947)	4802-A	1 person
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On requests initiated by this Section, 22 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1036 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

19. During the period 21 October - 20 November 1947, seven trials were completed involving 12 perpetrators. At the close of this period eight trials were in progress. In addition to the cases completed and those in session, 15 cases were referred to the Commanding General, EIGHTH Army, which includes additional charges and/or revisions, for reference to a Military Commission for trial. At the present time there are 142 perpetrators whose cases are in various stages of preparation.

20. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 397 defendants have been tried, 380 found guilty and 17 found not guilty. Thirty-three of the 380 found guilty have been given the death sentence. Five death sentences have been executed and 28 are awaiting approval. The remaining 347 war criminals found guilty were sentenced to terms of imprisonment ranging from six months to life at hard labor.

21. Statistics of War Crimes Trials Completed During Current Period

DEFENDANT	OFFICIAL CAPACITY	RANK	DATE OF TRIAL	RESULT OF TRIAL
1. Mitsujiro SAKAMOTO	2nd in Com.	M/Sgt. W/O	23 Oct.- 23 Oct. 47	3 years imprisonment
2. Kazuo TAKEMAKI	Camp Com.	1st Lt.	8 Oct.- 31 Oct. 47	4 years imprisonment

3. Katsuo KOHARA	Chief Guard Sl/c	27 Oct.- 31 Oct. 47	5 years imprisonment
4. Shigeru FUKUDA	Sgt. of Guard	Cpl. 5 Nov.- Sgt. 5 Nov. 47	2 years imprisonment
5. Inokichi MATSUMOTO	C.O.	Rear Adm. 9 Oct.- 6 Nov. 47	25 years imprisonment
Kenji IWATAKA	C.O.	Capt.	30 years imprisonment
Hideo SUZUKI	Adjutant	Lt. Sr. Grade	15 years imprisonment
Satoru NAKAZAWA	Sr. Med. Off.	Lt. Sr. Grade	10 years imprisonment
6. Shigeji MORI	Camp. Com.	Lt. Col. 23 Oct.- 7 Nov. 47	Life Imprisonment
7. Masaharu OZAWA	2nd in Com.	Sgt. 16 Oct.- 13 Nov. 47	4 years imprisonment
Yutaka NINOMIYA	Camp Com.	1st. Lt.	5 years imprisonment
Manzo WAKAMATSU	Qtrmstr.	Civ	18 years imprisonment

Trial of Mitsujiro SAKAMOTO

22. Mitsujiro SAKAMOTO, former master sergeant and later warrant officer in the Japanese Army, served as second in command at Kawasaki Prisoner of War Camp, Osaka Area, Honshu, during 1943. SAKAMOTO was found guilty of beating two Australian Prisoners of War.

Trial of Kazuo TAKENAKA

23. Kazuo TAKENAKA, former first lieutenant in the Japanese Army, commanded four camps in the Osaka Area located at Harima, Kobe, Wakinohana, and Maruyama, Honshu, at various times between 1942 and 1945. The accused was found guilty of personally mistreating Allied prisoners and of failing to restrain his subordinates from committing numerous atrocities. Among the victims of the brutal beatings which took place at the camps under his control were two Australian prisoners who were beaten with clubs, kicked, and then suspended by their arms from a tree.

Trial of Katsuo KOHARA

24. Katsuo KOHARA, formerly a senior warrant officer in the Japanese Navy, served as sergeant of the guard at Ofuna Prisoner of War Camp, Ofuna, Honshu, during 1945. He was found guilty of beating a British prisoner into unconsciousness and of forcing prisoners to assume and maintain abnormal and painful positions for long periods of time.

Trial of Shigeru FUKUDA

25. Shigeru FUKUDA, formerly a corporal and later sergeant in the Japanese Army, was in charge of the guard at Kobe Prisoner of War Camp, Osaka Area, Honshu, Japan, at various times during May, June and July of 1943. FUKUDA pleaded guilty to beating two prisoners into insensibility and to administering beatings to other prisoners.

Trial of Inokichi MATSUMOTO et al.

26. Inokichi MATSUMOTO, Kenji IWATAKA, Hideo SUZUKI, and Satoru NAKAZAWA were all connected with the 103rd Japanese Naval Construction Unit which employed prisoners at Nichols Field, Pasay, Rizal, and Las Pinas Airfield, Las Pinas, Rizal, Philippine Islands. IWATAKA, former

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Navy captain, commanded the 103rd Naval Construction Unit from July of 1942 until March of 1944, when he was relieved by MATSUMOTO, former Japanese Navy rear admiral, who acted as commanding officer until his surrender in September of 1944. SUZUKI, formerly Navy lieutenant senior grade, was adjutant of the Construction Unit from April 1943 until August 1944, while NAKAZAWA, also formerly lieutenant senior grade, was senior medical officer at both Nichols Field and Las Pinas Airfield from November 1943 until the fall of 1944. MATSUMOTO, IWATAKA, and SUZUKI were all found guilty of failure to provide adequate and proper quarters, food, hygiene, clothing, and available medicines and medical care for the prisoners under their control and of permitting sick prisoners to perform arduous work. MATSUMOTO and SUZUKI were convicted of permitting their subordinates to refuse hospitalization to critically ill American prisoners. MATSUMOTO, IWATAKA, and SUZUKI were also found guilty of failing to restrain their subordinates from committing numerous atrocities, including brutal beatings and inhuman tortures at both Nichols Field and Las Pinas, and unlawful killings at Nichols Field. MATSUMOTO was found guilty of command responsibility for one unlawful killing, IWATAKA and SUZUKI both for nine. NAKAZAWA was convicted of failure to provide available medicines and medical treatment and hospitalization to the prisoners at both camps. He was also found guilty of obstructing the efforts of interned Allied medical personnel to aid the prisoners at both camps.

Trial of Shigeji MORI

27. Shigeji MORI, formerly a lieutenant colonel in the Japanese Army, was commanding officer from May 1942 until November 1942 of Cabanatuan Prisoner of War Camp, Nueva Ecija, Luzon, Philippine Islands. During this period on two occasions he ordered, caused and permitted the unlawful killing of groups of American prisoners. He was also found guilty of failing to restrain his subordinates from beating and abusing numerous internees.

Trial of Masaharu OZAWA et al

28. Masaharu OZAWA, Yutaka NINOMIYA and Manzo WAKAMATSU were all connected with Sendai Prisoner of War Camp Number 2-B, Yoshima, Honshu, Japan. NINOMIYA, former Japanese Army first lieutenant, was camp commander from July 1944 until the end of the war. He was found guilty of failing to restrain his subordinates from beating prisoners and misappropriating Red Cross supplies. OZAWA, former sergeant who acted as second in command from December 1944 until April 1945 and again from July 1945 until the end of the war, was convicted of misappropriating Red Cross supplies and forcing prisoners to work when ill. WAKAMATSU, former Japanese Army civilian employee who acted as camp quartermaster from May 1944 until August 1945, was found guilty of beating and abusing numerous prisoners.

AUSTRALIAN DIVISION

Investigation

29. During the current period 49 interrogations were conducted and 21 sworn statements were obtained. The investigation into the murder of 39 lepers from Nauru Island, by Japanese Naval personnel, was concluded during the month. This investigation was opened in April 1946. The main problem confronting the Division in this case was in ascertaining the name of a small Japanese vessel which was connected with the crime and the identity of all the Japanese personnel on board. Confessions were obtained from the only two living members of the original group of 12 Japanese implicated in this atrocity. Both of these Japanese are now interned in Sugamo Prison awaiting transfer to Hongkong for trial. The Japanese who appears to have planned and ordered the massacre of the 39 lepers has been hanged at Rabaul for other crimes. The investigation into the beating to death of a native on Nauru Island was also concluded. During this

interrogation, two Japanese who were returned to Japan from Rabaul, en route to Hongkong for trial, confessed to previously having given false testimony under oath at Rabaul. Additional conspiracies by Japanese Naval personnel, with ranks ranging from captain to seaman, to provide Allied investigators with false information and to lay the blame for war crimes committed on Nauru and Kairiru Islands, on to other Japanese Naval personnel whom they knew to be dead, have been exposed by the Division.

30. Investigations were continued concerning acts of cannibalism by Japanese Army personnel on Bougainville Island; the execution of United States airmen on the same island in December 1943; and the decapitation of a native police boy on Bougainville Island. The name of his executioner is now known. Further investigations were conducted regarding the execution of nine Australian airmen at sea near New Britain, and the execution of approximately 40 civilians in New Britain during the period 1942-1945. Also continued were investigations concerning the execution of two Australian airmen at Idore in Dutch New Guinea in November 1944. The names of the executioners have been obtained; the execution of other Australians in the same area, and the execution of three Australian soldiers, four Australian airmen, two American airmen and six Allied Prisoners of War in New Guinea between 1943 and 1945, have also been investigated.

31. Investigations were also continued concerning the following cases: the execution of 21 Australian nurses and the murder of an Australian Commissioner at Banka Island in February 1942; the execution of three Australian soldiers and six Australian airmen in Ambon; the ill-treatment of 12 Australian airmen at Batavia and Soemba Island in 1945; the execution of two Australian soldiers in Java in 1944; the brutal treatment of Australian soldiers in Borneo; and the massacre of an Australian Prisoner of War in Malaya in February 1942.

Apprehension

32. Five requests for the apprehension of suspected war criminals were submitted by the Division during the current period.

Prosecution

33. The trial of seven Japanese accused of the ill-treatment and starvation of Australian and Allied Prisoners of War at Tokyo 4-B Naoetsu Prisoner of War Camp, began on 12 November, with an officer of the Division appearing for the Prosecution.

34. Two suspected war criminals were sent from Tokyo to Hongkong for the purpose of being tried before an Australian Military Court.

35. An officer of the Division also went to Hongkong to appear as prosecutor at forthcoming war crimes trials in that area.

36. The receipt of 33 affidavits from Australians during the current period brings the total of affidavits received by the Division to date up to 1553.

BRITISH DIVISION

Investigation

37. Six sworn statements were taken during the period in the course of 84 interrogations. Investigations are now under way concerning a shipping case. Documentary evidence is being analyzed by the Division in preparation for presenting the case for trial.

Apprehension

38. No further arrests have been requested during the period. Two war crimes suspects were transferred by air, one going to Hongkong and the other going to Singapore. This brings the total number of suspects transferred to South East Asia to 297. Thirteen suspects are at present in Sugamo Prison awaiting transfer to South East Asia.

Prosecution

39. Four trials, involving six accused, six named British victims and numerous unnamed British victims, were completed during the period. Convictions were secured against all accused.

40. Three British interest cases are now being tried, and four more cases are ready for trial. This brings the total number of cases involving British interests up to 96.

41. Five affidavits were received from the Judge Advocate General, London, England and three new requests were made.

CHINESE DIVISION

Investigation

42. During the period of this report five Japanese witnesses were interviewed and five signed statements were obtained. Investigations were continued concerning the cruel beating and torture of 11 Chinese nationals by the Japanese police in Kobe and Osaka during the early part of 1945. More evidence was obtained in investigations concerning the mistreatment of Chinese Prisoners of War and forced laborers by a Japanese Transportation Company at Osaka in 1944-1945 as well as war crimes in connection with the importation of Chinese laborers to Japan during the period 1942-1945.

43. Investigation of atrocities committed by Japanese troops against Chinese people in the vicinity of Wei-Yuang, Kwangtung Province, Southern China, in March of 1944 was conducted through the interrogation of four Japanese ex-generals.

Apprehension

44. One war criminal suspect has been released from Sugamo Prison. At present eight suspects are being held in Sugamo Prison awaiting trial before an Eighth Army Military Commission. Another suspected war criminal will be transferred to Nanking to be tried by a Chinese court there.

Prosecution

45. The trial of the Chusan Chinese Camp Case, in which eight accused and more than 400 Chinese victims are involved, will begin in the very near future. During the period reported upon Allied witnesses have arrived from various places. They will assist the prosecution in the forthcoming trial of the eight accused criminals.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

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Telegrams: "JUDGE ADVOCATE, LONDON."
Telephone: WHITEMALL 7936 (two lines).

Any further communication on the subject of this letter should be addressed to:—

THE JUDGE ADVOCATE GENERAL,
SPRING GARDENS,
COCKSPUR STREET,
LONDON S W 1.

and the following number quoted:—



*2 further
ref. 4000*
SPRING GARDENS, ✓ *W.S.*

COCKSPUR STREET,

LONDON, S.W.1.

30 January 1948

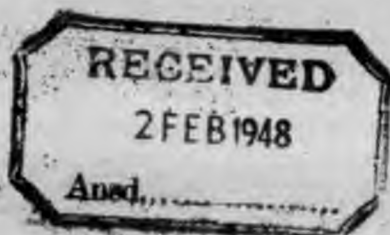


MD/JAG/FS/J/27
CONFIDENTIAL

United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

Subject: GHQ SCAP (Legal Section) Monthly Report
War Crimes

1. I enclose herewith for your retention a copy of GHQ SCAP Monthly Summation of War Crimes, No.27 of December 1947.
2. This office has been requested to ensure that the information given in this report is NOT published to the press.



Barnett
Lieutenant-colonel,
for Military Deputy,
J.A.G.

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GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 27

DECEMBER 1947

STATISTICS & REPORTS

File No. 319.1

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INVESTIGATION OF SUSPECTED WAR CRIMINALS

1. During the period 25 November - 23 December 1947, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

2. Cases now in the Investigation files are classified as follows:

	Cases on hand 24 Nov 47	Cases Received 25 Nov to 23 Dec 47	Cases Closed 25 Nov to 23 Dec 47	Cases on hand 23 Dec 47	Reports Submitted 25 Nov to 23 Dec 47
POW Camp Conditions	6	0	2	4	19
Fliers	451	2	20	433	127
Ship	26	0	0	26	7
Kempei Tai International Police	31	0	1	30	5
POW Atrocities	108	4	2	110	37
Miscellaneous	824	1	25	800	88
TOTAL	1446	7	50	1403	283

APPREHENSION OF SUSPECTED WAR CRIMINALS

3. During the period 25 November to 24 December 1947, five memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 23 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Appre- hended</u>
AG 000.5 (28 November 1947)	4937-A	3 Civilians
AG 000.5 (1 December 1947)	4945-A	2 Army Officers 1 Civilian
AG 000.5 (2 December 1947)	4955-A	5 Army Officers 1 Army Enlisted Man
AG 000.5 (6 December 1947)	4980-A	4 Army Officers 3 Navy Officers 2 Civilians
AG 000.5 (9 December 1947)	4986-A	1 Army Officer 1 Navy Officer

4. In two memoranda the Japanese Government was notified of the deletion of five names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (28 November 1947)	4935-A	1 person
AG 000.5 (17 December 1947)	5023-A	4 persons

5. By five memoranda the Japanese Government was notified of the clarification of status of 55 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (25 November 1947)	4917-A	6 persons
AG 000.5 (5 December 1947)	4973-A	20 persons
AG 000.5 (8 December 1947)	4981-A	7 persons
AG 000.5 (11 December 1947)	5003-A	21 persons
AG 000.5 (17 December 1947)	5022-A	1 person

6. By one memorandum the Japanese Government was notified of one hospital arrest.

AG 000.5 (2 December 1947)	4949-A	1 person
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7. By one memorandum the Japanese Government was notified of one release from hospital arrest.

AG 000.5 (17 December 1947)	5022-A	1 person
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8. On requests initiated by this Section, 46 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1031 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

9. During the period 21 November - 20 December, six trials were completed involving 32 perpetrators. At the close of this period 10 trials were in progress. In addition to the cases completed and those in session, 15 cases were referred to the Commanding General, EIGHTH Army, which includes additional charges and/or revisions, for reference to a Military Commission for trial. At the present time there are 100 perpetrators whose cases are in various stages of preparation.

10. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 429 defendants have been tried, 410 found guilty and 19 found not guilty. Thirty-three of the 410 found guilty have been given the death sentence. Five death sentences have been executed and 28 are awaiting approval. The remaining 377 war criminals found guilty were sentenced to terms of imprisonment ranging from six months to life at hard labor.

11. Statistics of War Crimes Trials Completed During Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Yoshio TSUNEYOSHI	Camp Com.	Capt.	10 Oct - 21 Nov 47	Life impris.
2. Tsutau KIMURA	Overseer	Civ.	20 Nov - 24 Nov 47	1 yr. 6 mos. imprisonment

3. Hiroshi TANAKA Camp Com. 1st Lt. 2 Sep-
25 Nov 47 16 yrs. imprison.

Todao ASAKURA Guard Sup. Pvt. Acquitted

Yukio HITOSUGI Guard Sgt. 10 yrs. imprison.

Nakazo IEDA Guard Sgt. 4 yrs. imprison.

Jirokichi KAMEDA Guard Civ. 5 yrs. imprison.

Shoji KAWAI Guard Civ. 18 yrs. imprison.

Kameki KAWAMURA Guard Civ. 18 yrs. imprison.

Tomohisa KAWAMURA Guard M/Sgt. 1 yr. imprison.

Nobuo KOKUBO Guard Civ. 4 yrs. imprison.

Kinpachi KONDO Guard Civ. 1 yr. imprison.

Minoru MAYEDA Guard Leading Pvt. Acquitted

Tatsuo MIZUNO Guard Sgt. 8 yrs. imprison.

Akihisa MURASE Guard Civ. 1 yr. imprison.

Tatsuo NAKAGAWA Guard Civ. 6 yrs. imprison.

Hideo SAKAI Guard Civ. 4 yrs. imprison.

Yoshikazu SAWANO Guard Civ. 4 yrs. imprison.

Tokuichi TANAKA Guard Civ. 30 yrs. imprison.

Isao YADOIWA Guard Civ. 15 yrs. imprison.

Masakazu YAMAGISHI Guard Civ. 3 yrs. imprison.

Isamu HARA Guard Civ. 3 yrs. imprison.

Genzo KATO Guard Civ. 2 yrs. imprison.

Masao HAYASHI Guard Sgt. 1 yr. 6 mos.
imprison.

4. Ko OSAKO Camp Com. 1st Lt. 26 Nov -
3 Dec 47 2 yrs. imprison.

Hirozo GOTO Guard Civ. 2 yrs. 6 mos.
imprison.

Noboru KODAMA Guard Civ. 2 yrs. 6 mos.
imprison.

Tetsuya MURAKAMI Guard Sgt. 1 yr. 6 mos.
imprison.

Bunki NISHIMURA Guard Civ. 2 yrs. imprison.

Motomu OKAMOTO Guard Civ. 2 yrs. imprison.

5. Iku TAKASAKI Camp Com. Maj.; Lt. 10 Nov -
Col. 12 Dec 47 25 yrs. imprison.

6. Hisao (Toshio) MORI Camp Com. 2d Lt. 28 Nov -
1st Lt. 15 Dec. 47 7 yrs. imprison.

Trial of Yoshio TSUNEYOSHI

12. Yoshio TSUNEYOSHI, former Japanese Army captain, was camp commandant during the late spring of 1942 of Prisoner of War Camp O'Donnell, Capas, Tarlac, Luzon, Philippine Islands. He was found guilty of contributing to the death of numerous American prisoners by failing to provide adequate water, clothing, hygiene, and available medicine and medical supplies for the prisoners at the camp. He was also convicted of responsibility for the unlawful killing of 15 American and Filipino prisoners who were summarily executed without benefit of court-martial when they were found with Japanese money or souvenirs in their possession.

Trial of Tsutau KIMURA

13. Tsutau KIMURA served between May 1943 and September 1945 as an overseer of the Nittetsu Mining Company which employed prisoners from Fukuoka Branch Prisoner of War Camp Number 10, Futase, Kyushu, Japan, at the Honko and Shinko mines. KIMURA was found guilty of the beating and mistreatment of four identified and numerous unidentified American and Allied prisoners.

Trial of Hiroshi TANAKA et al

14. Hiroshi TANAKA, former Japanese Army first lieutenant, was camp commander of Nagoya Area Prisoner of War Camp Number 2-B, Narumi, Honshu, Japan, from December 1943 until May 1945. TANAKA, along with 19 of his subordinates, was convicted of the beating and abuse of Allied prisoners. American, British, Canadian and Australian prisoners were interned at the camp. Most brutal mistreatment of prisoners was meted out by Tokuichi TANAKA, Kameki KAWAMURA, Shoji KAWAI, and Isao YADOIWA, all former civilians serving with the Japanese Army at the camp.

Trial of Ko OSAKO et al

15. Ko OSAKO, former Japanese Army lieutenant who served as camp commander at Hiroshima Prisoner of War Camp Number 8, Motoyama, Honshu, Japan, between November 1942 and March 1945, was found guilty of command responsibility for the beating of three prisoners. Tetsuya MURAKAMI, former sergeant who served at the camp from April 1943 until July 1944, was found guilty of the beating of two prisoners, one of them so severely that the man's left eardrum burst. Four former civilian guards at the camp, Hirozo GOTO, Noboru KODAMA, Bunki NISHIMURA, and Motomu OKAMOTO, were convicted of inflicting beatings on prisoners. GOTO served at the camp from January 1943 until August 1945, KODAMA from February 1944 until August 1945, NISHIMURA from January 1943 until December 1944, and OKAMOTO from March 1943 until August 1945.

Trial of Iku TAKASAKI

16. Iku TAKASAKI, formerly a major and later a lieutenant colonel in the Japanese Army, took over command of Davao Penal Colony, Davao, Philippine Islands in April of 1944 with orders to prepare to dissolve the camp and move the prisoners to Manila and Cabanatuan. The prisoners at Davao were moved in June 1944 and in July TAKASAKI took charge of Cabanatuan Prisoner of War Camp, Nueva Ecija, Luzon, Philippine Islands. He released the prisoners and fled from Cabanatuan in January of 1945, as American troops pushed forward in their liberation drive. TAKASAKI was found guilty, during his command of both camps, of failing to supply adequate food for the prisoners, forcing sick prisoners to work, and ordering his subordinates to beat numerous prisoners. He was also found guilty of contributing to the death of a prisoner at Davao and of command responsibility for the unlawful killing of a prisoner at Cabanatuan.

Trial of Hisao MORI

17. Hisao MORI, also known as Toshio MORI, former Japanese Army second lieutenant and later first lieutenant, was camp commandant at Tsumori Prisoner of War Camp, Osaka Area, Honshu, Japan, between December 1944 and May 1945. He was convicted of forcing sick prisoners to work as well as administering many cruel tortures to the prisoners confined at the camp. In conjunction with his subordinates he forced Allied prisoners to stand at attention for many hours at a time, beat them with clubs, and compelled them to kneel on sharpened bamboo poles.

AUSTRALIAN DIVISION

Investigation

18. During the period 57 interrogations were conducted, resulting in the obtaining of 21 sworn statements. Investigations were continued in connection with atrocities on Bougainville Island including acts of cannibalism by Japanese Army personnel, the decapitation of an Australian gold miner in February 1943, and the fate of a European who is believed to have been a missionary.

19. Investigation was also continued in connection with the executions of Australian airmen. Four suspects have been interned in Sugamo Prison in connection with the execution of two Australian airmen at Idore, Dutch New Guinea, in November 1944, while five suspects have been interned in connection with the execution of Australian and American airmen in New Guinea between 1943 and 1945. Also under investigation were the execution of nine Australian airmen at sea near New Britain, of two airmen at Tanimbar during 1943-44, and of airmen and soldiers at Ambon and Soerabaja. Other executions being investigated include those of approximately 40 civilians in New Britain during 1942-45, 21 Australian nurses and an Australian Commissioner at Banka Island in February 1942, and captured airmen and other prisoners of war in New Guinea, Malaya, Dilli, Koepang, Timor, and Kairiru. Other atrocities under investigation include the brutal treatment of 12 Australians in Java in 1945 and the ill-treatment of Australians in prisoner-of-war camps in Japan.

Apprehension

20. The Division submitted seven requests for the apprehension of suspected war criminals during the period under review.

Prosecution

21. The trial of seven Japanese accused of the ill-treatment and starvation of Australian and Allied Prisoners of War at Tokyo Area Prisoner of War Camp Number 4-B, Naoetsu, which commenced at Yokohama the second week in November, is still in progress. The preparation of charges and specifications against the staffs of Fukuoka Area Prisoner of War Camp Number 22-B and Osaka Area Prisoner of War Camp Number 5-D was begun during the period.

22. The first trial to be held in Hong Kong before an Australian Military Tribunal was concluded on 17 December 1947. The seven defendants were accused of massacre of 32 civilians at Kavieng, New Ireland. A former rear admiral was sentenced to death by hanging, while the remaining six accused received sentences of imprisonment ranging from four to 20 years.

23. During the current period 14 more affidavits have been received from Australians, making a total of 1567 affidavits received by the Division to date.

BRITISH DIVISION

Investigation

24. Fourteen sworn statements were taken in the course of 38 interrogations during the current period. Interrogations were conducted mainly in connection with three cases involving atrocities committed in Stanley Prison, Hong Kong, immediately after the outbreak of the Pacific War; a mass murder of Royal Air Force personnel at Kalijati, Java, in March 1942; and crimes committed at sea by the commanders, staffs, and crews of Japanese submarines.

Apprehension

25. No further arrests were requested during the current period. The total number of apprehensions still outstanding now stands at 11. Seven suspects are at present being held in Sugamo Prison awaiting disposal orders. No war crimes suspects were transferred during the current period; the total number of suspects transferred to South East Asia remains unchanged at 297.

Prosecution

26. Two trials involving 27 accused and 55 named as well as numerous unnamed British victims were completed during the period. Convictions were secured against 25 of the accused, while two were acquitted. Three British interest cases are now on trial and one more is ready for trial. The number of cases thus far tried involving British interests now totals 98.

27. Seven affidavits were received from the Judge Advocate General, London, England, and one from Headquarters Far East Land Forces, Singapore. One new affidavit has been requested by the Division.

CHINESE DIVISION

Investigation

28. During the current period investigation has been conducted of atrocities committed by a Japanese officer in China and a series of photographs showing the execution of 40 Chinese by this suspect has been obtained. The suspect is at present under interrogation.

29. Investigations were continued concerning the ill-treatment of Chinese Prisoners of War and forced laborers at Osaka in 1944-45, war crimes in connection with the importation of Chinese laborers to Japan during the period of 1942-45, and the mistreatment and killing of Chinese Prisoners of War and laborers in the Kyushu area during 1944-45.

Apprehension

30. No further arrests were requested during the period.

Prosecution

31. The trial of one Chinese and seven Japanese accused of the killing, torture, beating, ill-treatment, and starvation of Chinese Prisoners of War and forced laborers at Chusan Labor Camp, Hanaoka, Akita Prefecture, began during the last week of November with a Chinese member sitting on the bench and an officer of the Division aiding in the prosecution. The prosecution has submitted affidavits and statements to the Commission and two Allied witnesses have already testified before the Commission.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

COCKSPUR STREET,

LONDON, S.W.1.

12 March 1948

RECEIVED
15 MAR 1948
Ans.....



United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square,
London, W.1.

1. I enclose herewith for your retention a copy of GHQ SCAP Monthly Summation of War Crimes, No.28 of January 1948.

2. This office has been requested to ensure that the information given in this report is NOT published in the press.

Lieutenant-colonel,
for Military Deputy,
J.A.G.



GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 28

JANUARY 1948

STATISTICS & REPORTS

File No. 319.1

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INVESTIGATION OF SUSPECTED WAR CRIMINALS

1. During the period 24 December 1947 - 24 January 1948, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

2. Cases now in the Investigation files are classified as follows:

	Cases on hand 23 Dec 47	Cases Received 24 Dec 47 to 24 Jan 48	Cases Closed 24 Dec 47 to 24 Jan 48	Cases on hand 24 Jan 48	Reports Submitted 24 Dec 47 to 24 Jan 48
POW Camp Conditions	4	0	1	3	14
Fliers	433	1	76	358	167
Ship	26	0	3	23	9
Kempei Tai International Police	30	0	4	26	10
POW Atrocities	110	0	15	95	37
Miscellaneous	800	19	93	726	140
TOTAL	1403	20	192	1231	377

APPREHENSION OF SUSPECTED WAR CRIMINALS

3. During the period 25 December 1947 to 24 January 1948, seven memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 46 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (16 December 1947)	5020-A	4 Army Officers 10 Army Enlisted Men 3 Navy Officers 1 Civilian
AG 000.5 (24 December 1947)	5067-A	1 Army Officer 4 Army Enlisted Men 1 Navy Officer 1 Civilian
AG 000.5 (2 January 1948)	5088-A	2 Army Officers 1 Army Enlisted Man
AG 000.5 (13 January 1948)	5141-A	1 Army Officer 3 Army Enlisted Men 3 Navy Officers 1 Navy Enlisted Man
AG 000.5 (15 January 1948)	5154-A	2 Army Officers

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AG 000.5 (20 January 1948)	5180-A	2 Army Enlisted Men 1 Navy Officer
AG 000.5 (21 January 1948)	5184-A	1 Army Officer 1 Navy Officer 2 Navy Enlisted Men 1 Civilian

4. In eight memoranda the Japanese Government was notified of the deletion of 51 names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (22 December 1947)	5042-A	16 persons
AG 000.5 (23 December 1947)	5061-A	1 person
AG 000.5 (6 January 1948)	5107-A	4 persons
AG 000.5 (8 January 1948)	5112-A	1 person
AG 000.5 (12 January 1948)	5132-A	2 persons
AG 000.5 (15 January 1948)	5149-A	2 persons
AG 000.5 (16 January 1948)	5160-A	23 persons
AG 000.5 (20 January 1948)	5179-A	2 persons

5. By five memoranda the Japanese Government was notified of the clarification of status of 24 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (22 December 1947)	5043-A	8 persons
AG 000.5 (2 January 1948)	5090-A	7 persons
AG 000.5 (8 January 1948)	5115-A	1 person
AG 000.5 (12 January 1948)	5137-A	1 person
AG 000.5 (15 January 1948)	5150-A	7 persons

6. By two memoranda the Japanese Government was notified of two releases from hospital arrests.

AG 000.5 (8 January 1948)	5115-A	1 person
AG 000.5 (12 January 1948)	5137-A	1 person

7. On requests initiated by this Section 47 persons suspected of committing war crimes against American and Allied Prisoners of War were interned in Sugamo Prison. At the present time there are 1053 persons interned in Sugamo Prison.

PROSECUTION OF SUSPECTED WAR CRIMINALS

8. During the period 21 December 1947 - 20 January 1948, ten trials were completed involving 29 perpetrators. At the close of this period 14 trials were in progress. In addition to the cases completed and those in session, 14 cases were referred to the Commanding

General, EIGHTH Army, (including new charges and specifications for additional accused added to old cases, and/or additional charges and specifications) for reference to a Military Commission for trial. At the present time all charges and specifications drawn have been forwarded to the Commanding General, EIGHTH Army.

9. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 458 defendants have been tried, 435 being found guilty and 23 found not guilty. Forty-two of the 435 found guilty have been given the death sentence. Five death sentences have been executed and 37 are awaiting approval. The remaining 393 war criminals found guilty were sentenced to terms of imprisonment at hard labor ranging from six months to life.

10. Statistics of War Crimes Trials Completed During Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Toshitaro HASE	Camp Com.	Lt.	17 Oct 47- 29 Dec 47	8 yrs. Imprison.
Yoshitaro MATSUMOTO	Sup. & Fin. employee Civ.			14 yrs. Imprison.
Yoichiro TERASHITA	Med. Order.S/Pvt			6½ yrs. Imprison.
Tadao TENABE	Med. NCO	Cpl		2½ yrs. Imprison.
2. Hisakichi TOKUDA	Camp Com.	Capt.	8 Sept 47- 2 Jan 48	Death
3. Kazuo MAEDA	Camp Com.	Major	6 Oct 47- 2 Jan 48	30 yrs. Imprison.
4. Akira YANAGIZAWA	Guard	Civ.	12 Nov 47- 5 Jan 48	Death
Yoshihiro SUSUKI	Guard	Civ.		Death
Eiichi UISHIKI	Guard	Civ.		Death
Norimasa OSHIMA	Guard	Civ.		46 yrs. Imprison.
Masaji SEKIHARA	Guard	Civ.		Death
Hiroshi OBINATA	Guard	Civ.		Death
Yonesaku AKIYAMA	Guard	Civ.		Death
5. Michizo SHIINA	Prison Gov.	Civ.	17 Nov 47- 6 Jan 48	12 yrs. Imprison.
Sheijiro SHIMANO	Guard	Civ.		4 yrs. Imprison.
Kunihiko OSADA	Guard	Civ.		15 yrs. Imprison.
Takeo KODAMA	Guard	Civ.		2 yrs. Imprison.
Otskichi YOKOYAMA	Guard	Civ.		2 yrs. Imprison.
6. Kazuo ARAKAWA	Guard	S1/c	5 Jan 48- 6 Jan 48	6 yrs. Imprison.

7. Hiroshi USHIODA Med. Corps Sgt. 15 Dec 47-
7 Jan 48 10 yrs. Imprison.

8. Masakatsu SATO Med. Insp. 2nd Lt. 7 Jan 48-
9 Jan 48 Acquitted

9. Masayoshi MURATA Guard Navy 12 Jan 48-
12 Jan 48 4 yrs. Imprison.

10. Kimiya ICHINOE Sec. Chief Lt.Col. 22 Dec 47-
16 Jan 48 Death

Sadamu MOTOKAWA Kempei Tai 2nd Lt. Death

Masao KUWABARA Kempei Tai M/Sgt Life Imprison.

Shoichiro MATSUMOTO Liaison M/Sgt Acquitted

Rokuro SONOBE Med. Off. 1st Lt. 2 yrs. Imprison.

Kenichi YANAGIZAWA Kempei Tai W/O Acquitted

Goro YAMANAKA Guard M/Sgt. Acquitted

Trial of Toshitaro HABE et al

11. Toshitaro HABE, Yoshitaro MATSUMOTO, Yoichiro TERASHITA, and Tadao TENABE were all connected with prisoner-of-war camps in the Osaka Area, Honshu, Japan. HABE, who commanded six camps in the area at various times between November 1942 and August 1945, was found guilty of failing to provide adequate food and medical attention at some of the camps, and of failing to restrain his subordinates from committing numerous atrocities including unusual tortures. MATSUMOTO, former civilian finance and supply employee of the Japanese Army who served at the Taisho Camp between May 1943 and May 1945, was convicted of inflicting unusually brutal mistreatment on prisoners. One prisoner was forced to kneel on a mass of twisted wire holding a bucket of water for about 40 minutes, while another internee was compelled to kneel on a log with a stick behind his knees and a bucket of water on each of his thighs for approximately 25 minutes. TERASHITA, former Japanese Army superior private, served as medical orderly at the Taisho Camp between May 1943 and April 1944, while TENABE, former corporal, served as non-commissioned medical officer in charge at the Yokkaichi Camp between November 1944 and April 1945. Both were convicted of forcing sick prisoners to work.

Trial of Hisakichi TOKUDA

12. Hisakichi TOKUDA, former Japanese Army captain, was senior medical officer and camp commandant of the Shinagawa Hospital Prisoner of War Camp, Tokyo, Honshu, Japan, from March 1943 until September 1945. Nicknamed "The Mad Doctor" by the prisoners, TOKUDA was found guilty of performing unprecedented and bizarre medical experiments on prisoners. Four prisoners died shortly after they had been injected with a soy bean milk solution by TOKUDA.

Trial of Kazuo MAEDA

13. Kazuo MAEDA, former Japanese Army major, commanded the infamous Davao Penal Colony, Mindanao, Philippine Islands, between October 1942 and February 1944. MAEDA was found guilty of responsibility for the unbearable conditions under which the prisoners lived and worked, for ordering cruel and unusual tortures, and for failing to restrain his subordinates from committing numerous atrocities.

Trial of Akira YANAGIZAWA et al

14. Akira YANAGIZAWA, Masaji SEKIHARA, Yoshihiro SUSUKI, Hiroshi OBINATA, Eiichi UISHIKI, Yonesaku AKIYAMA, and Norimasa OSHIMA all served as civilian guards between January 1943 and August 1945 at Naoetsu Prisoner of War Camp, also known as Tokyo Prisoner of War Camp Number 4-B, located at Niigata, Honshu, Japan. All except OSHIMA were found guilty of contributing to the death of one or more of a total of 14 Australian prisoners, while all the defendants were convicted of inflicting unusually brutal beatings and other cruel forms of abuse upon prisoners.

Trial of Michizo SHIINA et al

15. Michizo SHIINA served as governor of Osaka (Sakai) Prison, Osaka Area, Honshu, Japan, while Kunihiko OSADA acted as prison hospital attendant and Takeo KODAMA, Otokichi YOKOYAMA, and Sheijiro SHIMANO all served as civilian guards at the prison. SHIINA was found guilty of failing to discharge his duty as prison governor by failing to provide adequate quarters, clothing, and hygiene for the prisoners, and of failing to restrain his subordinates from committing numerous atrocities. OSADA, KODAMA, YOKOYAMA, and SHIMANO were all found guilty of participating in incidents between April 1944 and August 1945 in which prisoners were beaten and abused.

Trial of Kazuo ARAKAWA

16. Kazuo ARAKAWA, former seaman first class in the Japanese Navy, served as a kitchen guard at Ofuna Provisional Prisoner of War Camp, Ofuna, Honshu, Japan, between October 1944 and February 1945. ARAKAWA was found guilty of administering severe beatings.

Trial of Hiroshi USHIODA

17. Hiroshi USHIODA, nicknamed "The Pig" by prisoners, was a sergeant in the Japanese Army, and was attached to both Sendai Area Prisoner of War Camp Number 4, Ohasi, Honshu, Japan, and Tokyo Area Prisoner of War Camp Number 2, Yokohama, Honshu, Japan. He was found guilty of beating, mistreating, and forcing sick and injured prisoners to do arduous labor.

Trial of Masayoshi MURATA

18. Masayoshi MURATA, former Naval guard at Ofuna Prisoner of War Camp, Ofuna, Honshu, Japan between May 1944 and November 1944, was found guilty of beating and abusing an unidentified American Prisoner of War as well as numerous unnamed American prisoners.

Trial of Kimiya ICHINOE et al

19. Kimiya ICHINOE, former lieutenant colonel who was Chief of the Defense Staff Section and Military Guard of the Eastern District Army was found guilty of ordering the death of a captured American flier, who, though badly injured, survived the crash of his B-29. Sadamu MOTOKAWA and Masao KUWABARA were convicted of the actual killing of the flier, while Rokuro SONOBE, former first lieutenant and medical officer, was sentenced for failing to provide the flier with medical attention when he examined him after the plane crash. MOTOKAWA was formerly a Kempei Tai second lieutenant, while KUWABARA was a master sergeant in the Kempei Tai.

AUSTRALIAN DIVISION

Investigation

20. During the current period 55 interrogations were conducted, resulting in the obtaining of 28 sworn statements. Investigations were continued in connection with numerous executions, murders, and other atrocities. Among these were unlawful killings of Australian prisoners of war in Timor, New Guinea, Kairiru Island, Malaya, and Ballale Island. Crimes committed in New Guinea which were under investigation included the murder of two Australian soldiers at Lae in June 1942 and the murder of two airmen, Australian and American, at Lae in 1943. The arrest of a naval captain was requested in connection with these latter crimes, and it was ascertained that a rear admiral thought to be involved has died while a lieutenant commander has committed suicide. During the month a lieutenant general was arrested and the arrest of a captain was requested in connection with the murders of Australian and American prisoners of war in New Guinea between 1943 and 1945. A former Japanese major suspected of the rape of a native child in New Guinea in 1944 is already in custody.

21. Other investigations included those involving the execution of 9 Australian airmen in New Britain in 1942 and the massacre of 40 Allied personnel in New Britain in 1944. Also under investigation were the ill-treatment of 12 Australian airmen at Soemba Island and Cycle Camp, Batavia, and the ill-treatment of Allied Prisoners of War at Fukuoka Camp Number 22, Honshu, Japan. Four arrests were requested during the month in connection with the murder of Australian Prisoners of War in Borneo between 1943 and 1945. Atrocities committed at Bougainville being investigated included the ill-treatment of Allied airmen, the drowning of an Australian civilian in 1943, and the murder of an Australian gold miner in February 1943. The deaths of Allied airmen at Saeokorem and Manokwari, Dutch New Guinea were under investigation as well as the execution of two airmen at Idore, Dutch New Guinea in November 1944. Other executions being investigated included those of nine Australian Prisoners of War at Ambon, an RAAF pilot officer at Tanimbar Island, five Australian soldiers at Dilli, Timor, and two Australian soldiers at Soerabaja.

Apprehension

22. During the current period requests for the arrests of seven suspects were submitted by the Division. One suspect was arrested.

Prosecution

23. The trial of seven Japanese accused of ill-treatment and starving of Australian and Allied Prisoners of War at Tokyo Branch Camp Number 4-B, Naoetsu, was completed on 5 January 1948. Six accused were sentenced to death by hanging and the seventh to imprisonment at hard labor for 46 years. The trial of 17 Japanese for ill-treatment of Australian and Allied prisoners of war on Hainan Island commenced at Hong Kong on 5 January 1948.

24. Charges and specifications against two senior staff members of Fukuoka Branch Prisoner of War Camp Number 22-B were completed and filed. Abstracts of evidence were completed on charges against three Japanese accused of murdering a number of lepers near Nauru Island in 1943 and against two Japanese accused of murdering a Nauruan native in 1945.

25. During the current period six additional affidavits were received from Australians, making a total of 1573 affidavits received by the Division to date.

BRITISH DIVISION

Investigation

26. Seven sworn statements were taken in the course of 22 interrogations during the current period. Cases investigated include those involving the massacre of Royal Air Force personnel captured on Kalajati Airfield, Java, in March 1942 and crimes committed at sea by the Japanese Navy against the survivors of Allied vessels. Investigation of a shipping case has included the seizure and detailed examination of voluminous shipping records, Japanese Army Directives and inter-theatre correspondence concerning the transportation of prisoners of war. In cooperation with British Commonwealth Occupation Force Headquarters, a thorough search was made of the premises of Ujina Army Shipping Transport Command and four large crates of documents are now being indexed.

Apprehension

27. No further arrests were requested during the period. The total number of apprehensions still outstanding has been reduced to eight. Four suspects are at present being held in Sugamo Prison awaiting disposal orders. No war crimes suspects were transferred during the current period; the total number of suspects transferred to South East Asia remains unchanged at 297.

Prosecution

28. Four trials involving eight accused and seven named as well as numerous unnamed British victims were completed during the period. Convictions were secured against seven of the accused, while the remaining one was acquitted. Four British interest cases are at present on trial and six more are ready for trial. A total of 102 cases involving British interests have now been tried in Japan.

29. Nine affidavits were received from the Judge Advocate General, London, England. No new affidavits were requested by the Division during the current period.

CHINESE DIVISION

Investigation

30. Five interrogations conducted during the current period produced three affidavits and two written statements. The affidavits have been introduced as evidence in the Chusan Chinese Camp Case presently being tried at Yokohama, while the two written statements will be sent back to China to aid in identifying war criminals there. Investigations conducted during the period were in connection with the importation of Chinese laborers to Japan, camp atrocities against Chinese Prisoners of War and laborers on Hokkaido, and atrocities by the Japanese Police against Chinese internees in the Kobe-Osaka Area.

Apprehension

31. No further apprehension requests were submitted during the current period.

Prosecution

32. The Chusan Chinese Camp Case, involving eight perpetrators and 412 victims, is currently in process of trial at Yokohama. Numerous documents have been introduced and 12 live witnesses (11 Allied personnel and one Japanese) have taken the stand. At present the defense is presenting its case. One of the accused has been acquitted by the Commission.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

7
British

GENERAL HEADQUARTERS
SUPREME COMMANDER FOR THE ALLIED POWERS
LEGAL SECTION

MONTHLY SUMMATION NO. 29

FEBRUARY 1948

STATISTICS & REPORTS

File No. 319.1

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INVESTIGATION OF SUSPECTED WAR CRIMINALS

1. During the period 24 January 1948 - 24 February 1948, the Investigation Division has completed numerous investigations and has conducted many more, a number of which have been reduced to signed statements.

2. Cases now in the Investigation files are classified as follows:

	Cases on hand 24 Jan 48	Cases Received 24 Jan 48- 24 Feb 48	Cases Closed 24 Jan 48- 24 Feb 48	Cases on hand 24 Feb 48	Reports Submitted 24 Jan 48- 24 Feb 48
POW Camp Conditions	3	0	0	3	11
Fliers	358	8	34	332	129
Ship	23	0	4	19	10
Kempei Tai International Police	26	0	1	25	4
POW Atrocities	95	2	11	86	33
Miscellaneous	726	2	35	693	77
TOTAL	1231	12	85	1158	264

APPREHENSION OF SUSPECTED WAR CRIMINALS

3. During the period 25 January 1948 to 24 February 1948, nine memoranda were issued directing the Japanese Government to apprehend and deliver to Sugamo Prison at the earliest practicable date 40 persons wanted for alleged war crimes activities.

ORDERS FOR APPREHENSION

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Ordered Apprehended</u>
AG 000.5 (24 January 1948)	5197-A	1 Civilian
AG 000.5 (27 January 1948)	5210-A	3 Army Officers
AG 000.5 (28 January 1948)	5212-A	1 Army Officer 1 Army Enlisted Man 2 Navy Officers 1 Civilian
AG 000.5 (31 January 1948)	5220-A	1 Army Officer 1 Navy Officer
AG 000.5 (3 February 1948)	5224-A	1 Army Officer 1 Army Enlisted Man
AG 000.5 (7 February 1948)	5233-A	1 Army Officer 4 Army Enlisted Men 1 Navy Officer 1 Civilian

AG 000.5 (14 February 1948)	5259-A	2 Army Officers 3 Army Enlisted Men 2 Navy Officers 10 Civilians
AG 000.5 (18 February 1948)	5280-A	1 Navy Enlisted Man
AG 000.5 (21 February 1948)	5302-A	1 Navy Officer 1 Navy Enlisted Man

4. In two memoranda the Japanese Government was notified of the deletion of three names of persons ordered apprehended which had appeared on previous memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (26 January 1948)	5206-A	2 persons
AG 000.5 (7 February 1948)	5232-A	1 person

5. By four memoranda the Japanese Government was notified of the clarification of status of 17 Japanese whose names had appeared on apprehension memoranda.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (6 February 1948)	5229-A	1 person
AG 000.5 (13 February 1948)	5257-A	1 person
AG 000.5 (17 February 1948)	5278-A	1 person
AG 000.5 (20 February 1948)	5291-A	14 persons

6. By one memorandum the Japanese Government was notified of the release of one Japanese from hospital arrest.

<u>Date & File No.</u>	<u>SCAPIN</u>	<u>Persons Involved</u>
AG 000.5 (17 February 1948)	5278-A	1 person

7. On requests by the Criminal Registry Division 38 persons suspected of committing war crimes against American and Allied Prisoners of War were arrested or taken into custody. The total number of persons interned in Sugamo Prison at the present time is 1065.

PROSECUTION OF SUSPECTED WAR CRIMINALS

8. During the period 21 January 1948 - 20 February 1948, 19 trials were completed involving 52 perpetrators. At the close of the period 9 trials were in progress. In addition to the cases completed and those in session, 20 cases were referred to the Commanding General, EIGHTH Army (including new charges and specifications for additional accused added to old cases, and/or additional charges and specifications) for reference to a Military Commission for trial. At the present time all charges and specifications drawn have been forwarded to the Commanding General, EIGHTH Army.

9. Statistics concerning the war crimes trials held in Yokohama are as follows: To date 508 defendants have been tried, 478 being found guilty and 30 found not guilty. Forty-eight of the 478 found guilty have been given the death sentence. Five death sentences have been executed, three have been commuted, and 40 are awaiting approval. The remaining 430 war criminals found guilty were sentenced to terms of

imprisonment at hard labor ranging from six months to life.

10. Statistics of War Crimes Trials Completed During
Current Period

<u>DEFENDANT</u>	<u>OFFICIAL CAPACITY</u>	<u>RANK</u>	<u>DATE OF TRIAL</u>	<u>RESULT OF TRIAL</u>
1. Toshio TODA	Camp Com.	2nd Lt.	22 Dec 47- 21 Jan 48	8 yrs. imprison.
Chomatsu TAMURA	Med.Ord.	Cpl.		Acquitted
2. Makoto UMEDA	Guard	Civ.	6 Jan 48- 21 Jan 48	1½ yrs. imprison.
3. Takayoshi SAKAINO		Sgt.Maj.	7 Jan 48- 21 Jan 48	Life imprison.
4. Kyo Chin SONG	Detective	Civ.	22 Jan 48- 22 Jan 48	10 yrs. imprison.
5. Kunio SARUWATARI	Guard	Civ.	26 Jan 48- 27 Jan 48	20 yrs. imprison.
6. Hitoshi OKAMOTO	Com. Off.	1st Lt.	26 Nov 47- 30 Jan 48	25 yrs. imprison.
Sotojiro TAMURA	1st Sgt.	W/O		Acquitted
Hatsuo MUTA	Guard unit Com.	Cpl.		Acquitted
Shishitaro YOSHINAGA	Guard unit Com.	Pvt.		12 yrs. imprison.
Rai O RAN	Guard	Civ.		2½ yrs. imprison.
Tateo YAMASAKI	Com.Off.	1st Lt.		Acquitted
Noboru NAGAI	Guard unit Com.	Sgt.Maj.		Acquitted
Kasuo KINUGASA	Guard unit Com.	Sup. Pvt.		1½ yrs. imprison.
Mo Ei CHIN	Guard	Civ.		6 yrs. imprison.
Ei Hatsu RIN	Guard	Civ.		4 yrs. imprison.
7. Usaji HIDA	Guard Det. Member	Sr.P.O.	19 Dec 47- 2 Feb 48	Acquitted
Tamotsu TAKEZOE	Guard Det. Member	C.P.O.		Life
Yasuo KOHARA	Guard Det. Member	C.P.O.		Life
Tokuichi TAKAMURA	Guard Det. Member	P.O.3/c		Life
Asaichi YOSHIMURA	Guard Det. Member	W/O		Life

8. Ryohci TANAKA	Camp Com.	1st Lt.	19 Jan 48- 2 Feb 48	25 yrs. imprison.
9. Takahisa ARAI	Guard	Civ.	2 Feb 48- 3 Feb 48	3 yrs. imprison.
10. Zenichiro YASUDA	Sr. NCO	Sgt.	28 Jan 48- 3 Feb 48	5 yrs. imprison.
Hajime NAKAO	Guard	Civ.		2 yrs. imprison.
Masakatsu OYAMA	Guard	Civ.		2 yrs. imprison.
11. Ichiji KINARI	Camp Com.	W/O	29 Dec 47- 5 Feb 48	2 yrs. imprison.
Yukio OKABUCHI	Guard	Civ.		1-2/3 yrs. imprison.
Nobuo IKADAZU	Guard	Civ.		Acquitted
Asao IJITSU	Guard	Civ.		1 yr. imprison.
Fusao SHINYA	Guard	Civ.		8 yrs. imprison.
12. Sai YAMASHITA	Camp Com.	2nd Lt.	3 Feb 48- 6 Feb 48	18 yrs. imprison.
Masayuki NAKA	Guard	Civ.		10 yrs. imprison.
13. Hideo ISHIZAKI	Det.Com.	1st Lt.	19 Jan 48- 9 Feb 48	Death
Masao KATOKA	Plat.Ldr.	Sgt.Maj.		Death
Zentaro WATANABE		Sup.Pvt.		Death
Takeji FUJINO		Sup.Pvt.		Death
Kikuo TOMIOKA		Cpl.		Death
Shoji ITO		Sup.Pvt.		Death
14. Tadashige SHIOMI	Payroll clerk	W/O	10 Feb 48- 12 Feb 48	2 yrs. imprison.
15. Fumio FUJIKI	Supply NCO	Sgt.Maj.	9 Feb 48- 13 Feb 48	6 yrs. imprison.
16. Katsuo ISHIZAKA	Camp Com.	1st Lt.	7 Jan 48- 16 Feb 48	25 yrs. imprison.
Koichi OTA	Admin.NCO	Sgt.		1 yr. imprison.
Yasushi TAKASAGO	Kitchen emp.	Civ.		12 yrs. imprison.
Zenkichi KOJIMA	Interp.laborL/officer	Pvt.		13 yrs. imprison.
Heikichi SATO	Guard	Civ.		12 yrs. imprison.
Kishio SASAKI	Guard	Civ.		12 yrs. imprison.
Nisa TANIFUJI	Guard	Civ.		8 yrs. imprison.
17. Koji SUZUKI	Storekeeper	Civ.	9 Feb 48- 16 Feb 48	2 yrs. imprison.

Misao SUKEGAWA	Army empl. Civ.	9 yrs. imprison.
18. Takanori YAMANAKA	Med.Ord. Sgt.	7 Jan 48- 20 Feb 48 4 yrs. imprison.
19. Tamae KONDO	Camp Com. Col.	16 Feb 48- 20 Feb 48 5 yrs. imprison.

AUSTRALIAN DIVISION

Investigation

11. During the current period 52 interrogations were conducted, resulting in the obtaining of 31 sworn statements. Investigations were continued in connection with numerous executions, murders, and other atrocities. Among these were the massacre of 21 Australian nurses and the murder of an Australian official on Banka Island in February 1942, the massacre of British and Australian Prisoners of War on Ballale Island and at Paritsulong, Malaya, and the execution of two Australian Prisoners of War on Kairiru Island in 1945. Also under investigation were the ill-treatment of Australian Prisoners of War at Fukuoka Prisoner of War Camp Number 22, the execution of Australian prisoners at Ambon, and the execution of two Australian soldiers at Soerabaja and of two Australian airmen at Idore, Dutch New Guinea, the last named event taking place in November 1944.

12. Also being investigated were the execution of approximately ten Australian Prisoners of War in Dilli, Timor in February 1942 and various atrocities committed on Bougainville Island. Information developed in the former investigation has revealed that the executions were carried out by a small naval landing party. Atrocities on Bougainville being investigated include the murder of an Australian gold miner in February 1943, the drowning of an Australian civilian in 1943, and the execution of two missionaries. The unit responsible for the death of one of the missionaries is now known.

13. The execution of Australian Prisoners of War at Koepang, Timor is also under investigation. Based on a report that two Australian airmen had been executed at Koepang in March or April 1942, investigation revealed that personnel of a paratroop unit carried out three or more executions at Koepang involving more than 20 Australian prisoners, and later at Toel Island in the Kai Group, executed four or five missionaries. Three suspects have already been arrested in connection with this case.

14. Other crimes under investigation include atrocities committed in New Guinea, Borneo, and Java. Among these were the execution of three Australian soldiers in Borneo in 1944 and the ill-treatment of 12 Australian airmen at Soemba Island and Java in 1945. Atrocities committed in New Guinea which were under investigation included the rape of a native child, the execution of 17 American Prisoners of War between 1943 and 1944, the execution of eight other Allied prisoners during the same period, and the execution of two Australian soldiers, one Australian airman and one American airman at Lae. Among the suspects who have been interned in Sugamo Prison in connection with these crimes are two lieutenant generals, two colonels, two lieutenant colonels, one naval captain, two majors, one captain, one lieutenant, one warrant officer, three sergeant majors, and one civilian. Requests for the apprehension of four other officers, including a lieutenant general, have been submitted.

Apprehension

15. During the current period the Division submitted five requests for the apprehension of suspected war criminals.

Prosecution

16. On 13 February a former colonel, Shigeru SUGIYAMA, was charged with committing perjury and withholding information from an investigator of the Division. He was tried by a Provost Court in Tokyo, convicted, sentenced to five years' imprisonment at hard labor, and fined 75,000 yen.

17. The trial of 17 Japanese charged with the ill-treatment of Australian and other Allied Prisoners of War on Hainan Island, which began on 5 January 1948 at Hong Kong, is still in progress.

18. During the current period ten additional affidavits were received from Australians, bringing the total number of affidavits received by the Division to date up to 1583.

BRITISH DIVISION

Investigation

19. Nine sworn statements were obtained during the period in connection with naval and shipping cases. Recently seized documents have been screened and translation of documents relating to the transport of prisoners of war is being carried out. Analysis of other documentary evidence for the prosecution of this shipping case is progressing.

Apprehension

20. No arrests were requested by the Division during the current period. The total number of apprehensions outstanding has been reduced to six. Four suspects are at present being held in Sugamo Prison awaiting disposal orders. No war crimes suspects were transferred during the period; the total number of suspects transferred to South East Asia remains unchanged at 297.

Prosecution

21. Eight trials involving 17 accused and 36 named as well as numerous unnamed British victims were completed during the period. Convictions were secured against all the accused. Two British interest cases are presently on trial and a total of 110 cases involving British interests have been completed to date in Japan.

22. Six affidavits were received from the Judge Advocate General, London, England, and one new affidavit was requested.

CHINESE DIVISION

Investigation

23. Two sworn statements were taken in the course of five interrogations during the current period. One of these statements has been introduced as evidence in the current trial of seven accused war criminals at Yokohama, while the other document has been forwarded to Nanking, China for proper disposal. Investigations were conducted concerning the beheading of 62 Chinese Prisoners of War by troops of the Japanese Army at Taipeizan, Hupei Province, Central China in May 1937, and the mistreatment, torture, and starving of Chinese Prisoners of War and laborers by Japanese in Osaka City during 1944-1945.

Apprehension

24. No further apprehension requests were submitted during the current period.

Prosecution

25. The trial of seven Japanese accused of various atrocities committed at Chusan Labor Camp, Hanaoka, Akita Prefecture, against Chinese Nationals is currently in progress. The prosecution reopened its case in chief to present new evidence to the court when an additional live witness became available.

Theodore R. C. King
THEODORE R. C. KING
Major, Infantry
Executive Officer

SPRING GARDENS.

COCKSPUR STREET,

LONDON, S.W.1.

RECEIVED

United Nations War Crimes Commission,
Lansdowne House,
Berkeley Square, ~~London~~
London, W.1.

Ans.

1. I enclose herewith for your retention a copy of CHQ SCAP Monthly Summation of War Crimes, No. 26 of November 1947.

2. This office has been requested to ensure that the information given in this report is NOT published in the press.

Lieutenant-colonel,
for Military Deputy,
J.A.G.

/6RT